

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 213 of 2016

Suresh Singh Chauhan

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant and Shri Kaushik Chatterjee, learned counsel for the respondents along with Wg. Cdr. Sardul Singh, Departmental Representative.</p> <p>On call of the case, Shri Kaushik Chatterjee, learned counsel for the respondents prays for and is granted three weeks' and no more time to file Counter Affidavit.</p> <p>List this case for orders on 20.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

T.A. No. 32 of 2016

Ex Nk Saboo Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri P.K. Shukla, learned counsel for the petitioner and Dr. Gyan Singh, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri P.K. Shukla, Advocate, submits that he has already filed Vakalatname on 16.09.2016 but his name is not mentioned in the cause list. We, therefore, direct the Registry that name of Shri P.K. Shukla be shown as counsel for the petitioner in the cause list when the case is listed, next.</p> <p>List this case for orders on 21.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 297 of 2011

Kedar Prasad Mishra

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Rakesh Johri, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Lt. Priya Prasad, Departmental Representative submits that she has received instructions from Additional Director General of Army Postal Service, Integrated HQs of Ministry of Defence, West Block III, R.K. Puram, New Delhi-110066 on 23.09.2016. As such, she prays for and is granted a weeks' time to file reply as directed vide our order dated 26.07.2016 .</p> <p>List this case for hearing on 06.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 136 of 2014

Parmal Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri R. Chandra, learned counsel for the applicant submits that since his client is not well, as such, supplementary rejoinder affidavit could not be filed. He, therefore, prays for and is granted four weeks' further time to file supplementary rejoinder affidavit.</p> <p>List this case for orders on 14.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 4 of 2016

Arvind Kumar

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri K.K.S. Bisht, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri K.K.S. Bisht, learned counsel for the applicant prays for and is granted two weeks' and no more time to file rejoinder affidavit.</p> <p>List this case for orders on 21.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 62 of 2016 with M.A. No. 2144 of 2016

Sahib Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Rakesh Johri, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>Heard learned counsel for the parties at length.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>rpm/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 69 of 2016

Ramesh Chandra Tiwari

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri M.C. Shukla, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>As prayed by Shri M.C. Shukla, learned counsel for the applicant, list this case for orders on 22.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 166 of 2016

Shiv Kumar Verma

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Sunil Sharma, learned counsel for the respondents. Shri V.A. Singh, learned counsel for the applicant is not present.</p> <p>On call of the case, Shri Sunil Sharma, learned counsel for the respondents prays for and is granted four weeks' further time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.</p> <p>List this case for orders on 03.01.2017 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 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><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Dr. Shailendra Sharma Atal, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri V.P. Pandey, Advocate, submits that Col (Retd.) Y.R. Sharma, learned counsel for the applicant has not come to Court and prayed that the matter be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 04.01.2017 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

T.A. No. 360 of 2010

Nepal Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the petitioner and Shri Kaushik Chatterji, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>As prayed by Shri K.K. Mishra, learned counsel for the petitioner, list this case for admission on 23.11.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

T.A. No. 67 of 2011

Rameshwar Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Rajeev Srivastava, learned counsel for the petitioner and Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri Bhanu Pratap Singh, Advocate, submits that Shri Rajiv Pandey, learned counsel for the respondents has not come to the Court and prayed that the matter be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for hearing on 09.11.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1.
T.A. No. 67 of 2012

Khursheeda Beghum Applicant
By Legal Practitioner for Applicant

Versus

Record Officer Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the petitioner and Shri D.K. Pandey, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>Heard Shri R. Chandra, learned counsel for the petitioner as well as Shri D.K. Pandey, learned counsel for the respondents.</p> <p>List this case for hearing on 24.11.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>rpm/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1
Dy. No. 2628 of 2016 Inre O.A. No. Nil of 2016

Abhilash Yadav Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Kumar Singh Chauhan, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri Jai Narain Mishra, learned counsel for the applicant and Shri Rajesh Kumar Singh Chauhan, learned counsel for the respondents.</p> <p><u>Dy. No. 2628 of 2016</u></p> <p>This application has been filed by the applicant who happens to be a cadet in NDA. Learned counsel for the applicant was asked whether the applicant being cadet of NDA, is subject to Army/Air Force/Naval Act or not.</p> <p>Learned counsel for the respondents submits that since applicant was cadet at NDA, as such, he is not subject to Army/Air Force/Naval Act and this O.A. is not maintainable.</p> <p>Learned counsel for the applicant concedes to the point that since the applicant was a cadet at NDA is not subject to Army/Air Force/Naval Act.</p> <p>As per Rule 2, Chapter 1 of Armed Forces Tribunal Act, 2007, only persons who are subject to Army/Air Force/Naval Act can approach AFT, as such, this application is not maintainable and is hereby dismissed.</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. 2182 of 2016 Inre O.A. No. Nil of 2016

Hari Shankar Singh Chauhan
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Shyam Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 2182 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of disability pension to the applicant. As per office report, there is delay of 01 year, 03 months and 18 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 22.09.2016.</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 15.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1664 of 2016

Ramapati Upadhya
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri J.N. Mishra, learned counsel for the applicant and Ms. Appoli Shrivastava, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents prays for and is granted two weeks' and no more time to file objection on application for condonation of delay.</p> <p>List this case for orders on 07.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2193 of 2016 Inre T.A. No. 10 of 2016

Yogendra Prasad

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajiv Pandey on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri O.P. Kushwaha, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p><u>M.A. No. 2193 of 2016</u></p> <p>This is an application for recall of order dated 26.08.2016 by which T.A. No 10 of 2016 was dismissed for non prosecution. The reasons given in para 4 of affidavit, filed in support of restoration application seem to be genuine.</p> <p>Accordingly, the order dated 26.08.2016 is recalled subject to payment of Rs 500/- as cost, to be deposited in AFT Bar Association Library. On production of receipt, the case shall be restored on its original number.</p> <p>List this case for orders on 29.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2194 of 2016 Inre O.A. No. 212 of 2016

Smt. Vinod

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : None for the applicant whereas Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Case called out. No one is present for the applicant.</p> <p>This is an application for recall of order dated 20.08.2016 by means of which O.A. No 212 of 2016 was dismissed for non prosecution. The case pertains to grant of family pension.</p> <p>Although none is present on behalf of applicant even today but in the interest of justice, the case is adjourned.</p> <p>List this case for orders on 30.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 48 of 2016

Smt. Shanti Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Virendra Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : None for the applicant whereas Shri Virendra Singh, learned counsel for the respondents.</p> <p>This T.A. has been received by way of transfer from High Court of Judicature at Allahabad and has been re-numbered as T.A. No 48 of 2016.</p> <p>Direction was given to issue notice to the applicant, Smt. Shanti Devi but as per office report, the applicant, Smt Shanti Devi has died.</p> <p>Thus, this T.A. abates and is directed to be consigned to record.</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. 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><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents and Shri D.C. Lohumi, Advocate, on behalf of State Bank of Bank.</p> <p>On call of the case, learned counsel for the applicant alongwith applicant Jawahar Upadhyay is present. The case in hand relates to execution of judgment and order dated 10.01.2013 passed in O.A. No 08 of 2013 wherein the grievance raised by the applicant is that aforesaid judgment has not been complied with inspite of issuance of PPO dated 24.05.2016. We had issued notice to Manager, State Bank of India, CPPC, 4 Kutchery Road, Allahabad which was received by him and Shri D.C. Lohumi, Advocate, is present on his behalf. He submits a letter issued by Manager, State Bank of India, CPPC, Allahabad to the effect that in pursuance to PPO, necessary payment to the applicant has already been made on 27.07.2016.</p> <p>Thus it comes out that the submission made by Shri Parijaat Belaura, learned counsel for the applicant on 31.08.2016 seem to be false, since the statement for non payment was given by him after payment was made to his client. Shri Parijaat Belaura tenders his apology for wrong statement. He is directed to be more cautious in future and refrain himself from giving false statement.</p> <p>Since, judgment under execution has been complied with and necessary payment has been made to the applicant, 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>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 5 of 2014 with M.A. No. 1614 of 2015 & M.A. No. 1935 of 2016
Inre O.A. No. 99 of 2012

Byas Giri

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this execution application which has been filed by the applicant for non execution of judgment and order dated 26.03.2016 passed in O.A. No 99 of 2012.</p> <p>Learned counsel for the respondents has filed compliance report vide M.A. No 1935 of 2016. In aforesaid compliance report copy of PPO issued to the applicant dated 23.05.2016 is annexed.</p> <p>Learned counsel for the applicant has produced a person before this Court identifying him as applicant Shri Vyas Giri and he states that pension which is being provided to him as Hony Nb Sub is different than being provided to other Hony Nb Subs, as such there is discrepancy in the payment of pension.</p> <p>The Court directs that if there is any discrepancy, the applicant shall approach to the authority concerned by making a representation and respondents shall decide the same based on tables of Pension as applicable.</p> <p>Since the PPO has already been issued and even the pension has been credited in the Bank account of the applicant, this execution application 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. 13 of 2014 with M.A. No. 1938 of 2016 Inre O.A. No. 371 of 2011
Krishan Mohan Singh Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that order dated 24.11.2011 passed in O.A. No 371 of 2011 has been fully complied with.</p> <p>Accordingly, this execution application has been 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. 23 of 2014 with M.A. No. 1583 of 2016 Inre O.A. No. 339 of 2012

Jag Ram

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that order dated 27.08.2012 passed in O.A. No. 339 of 2012 has been fully complied with.</p> <p>Accordingly, this execution application has been 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. 2 of 2015 Inre T.A. No. 46 of 2013

Om Prakash Dubey
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>This execution application has been filed by the applicant for non compliance of judgment and order dated 11.04.2014 passed in T.A. No 46 of 2013. The argument of learned counsel for the applicant is that in pursuance to judgment dated 11.04.2014 and 26.08.2014 passed in T.A. No 46 of 2013 the authorities have not paid salary to the applicant for about 6 years. As such we had asked the respondents to file response to the aforesaid effect.</p> <p>Learned counsel for the respondents has placed before the court instruction received from Senior Record Officer, ASC South, Bangalore dated 26.09.2016. In para 11 of aforesaid letter, it has been stated that the relief granted to the applicant has already been paid by PCDA (P), Allahabad as well as PAO (OR), ASC (South), Bangalore.</p> <p>In view of the above, we direct Officer in-charge PAO (OR), ASC (South), Bangalore, to file an affidavit explaining details of payment of salary made to the applicant.</p> <p>Let notice be issued to Officer in-charge PAO (OR), ASC South, Bangalore, directing him to depute some officer to assist the court on 28.11.2016 with respect to above discrepancies as submitted by the applicant.</p> <p>List this case for orders on 28.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 25 of 2015 with M.A. No. 922 of 2016 Inre O.A. No. 323 of 2012
Devendra Pratap Narain Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant whereas Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Case called out. Learned counsel for the applicant is not present.</p> <p>In this execution application, respondents have filed compliance report vide M.A. No 922 of 2016 to the effect that judgment and order dated 22.08.2012 passed in O.A. No 323 of 2012 has been complied with as necessary PPO has already been issued on 20.05.2016.</p> <p>In view of the above, 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>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 66 of 2016 Inre O.A. No. 286 of 2014

Chiman Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Rohit Kumar, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>On call of the case, learned counsel for the respondents on the basis of instructions submits that necessary PPO in execution of judgment and order dated passed in O.A. No. 286 of 2014 has been issued.</p> <p>Since the PPO has been issued, respondents are directed to file compliance report within two weeks.</p> <p>List this case for orders on 29.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 148 of 2016 with M.A. No. 2197 of 2016 Inre O.A. No. 359 of 2012
Ex JWD Shiv Kant Pandey Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Shiv Kant Pandey, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant appears in person and states that no doubt PPO has been issued but there are certain discrepancies in the PPO and pension has not been worked out from the date of discharge and date of discharge has also wrongly been mentioned in the PPO. Copy of an affidavit to this effect has been given to learned counsel for the respondents today in the court itself and he will be filing the same in the registry during the course of the day.</p> <p>Learned counsel for the respondents is directed to file response to the objections raised by learned counsel for the applicant with respect to grant of pension and discrepancies raised therein within six weeks'.</p> <p>List this case for orders on 07.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 155 of 2016 Inre O.A. No. 207 of 2013

Mahendra Kumar

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri K.K. Mishra, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents, on the basis of instructions, informs that in compliance to judgment and order dated 24.02.2016 passed in O.A. No 207 of 2013 necessary Govt. sanction has been granted on 06.09.2016 and PPO will be issued in pursuance to sanction within a period of four weeks' from today.</p> <p>Let an affidavit of compliance be filed by learned counsel for the respondents on expiry of four weeks'.</p> <p>List this case for orders on 08.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2130 of 2016 Inre O.A. No. Nil of 2016

Kuldeep Upadhyay

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Mrs. Anju Singh on behalf of respondents is taken on record. Let her name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri P.N. Chaturvedi, learned counsel for the applicant and Mrs. Anju Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 2130 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of disability pension to the applicant. As per office report, there is delay of 05 years 09 months and 22 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 23.09.2016.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection on application for condonation of delay.</p> <p>List this case for orders on 28.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2181 of 2016 Inre O.A. No. Nil of 2016

Surendra Yadav

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Sidharth Dhaon on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri Ashok Kumar, learned counsel for the applicant and Shri Sidharth Dhaon, learned counsel for the respondents.</p> <p><u>M.A. No. 2181 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of disability pension to the applicant. As per office report, there is delay of 09 months and 18 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 22.09.2016.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection on application for condonation of delay.</p> <p>List this case for orders on 29.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2171 of 2016 with M.A. No. 2172 of 2016 Inre O.A. No. 37 of 2012
Salil Chandra Jagdev
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Virat Anand Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p><u>M.A. No. 2171 of 2016</u></p> <p>This is an application for condonation of delay in filing the restoration Application (M.A. No. 2172 of 2016) by which O.A. No 37 of 2012 was dismissed for non prosecution by this Court on 06.05.2016. Copy of this application has been served upon learned counsel for the respondents on 22.09.2016.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' time to file objection, if any.</p> <p>List this case for orders on 17.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 64 of 2016

Praveen Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative.</p> <p>The Departmental Representative, on the basis of instruction, states that Govt. sanction in pursuance to execution of judgment and order dated 04.11.2015 passed in O.A. No. 84 of 2014 has already been issued on 26.08.2016 and issuance of PPO is awaited.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file compliance report.</p> <p>List this case for orders on 15.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 602 of 2014

Rajendra Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant whereas Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>This Petition was filed by Shri R. Chaubey, Advocate but we have been informed that he is not alive. Notice was issued to the applicant on the address provided by PCDA (P) Allahabad, but it has not been returned served or unserved.</p> <p>As a matter of last opportunity, a fresh notice be issued to the applicant by Registrar this Court.</p> <p>List this case alongwith service report of notice for orders on 30.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 592 of 2016

Smt. Sanju Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.P. Pandey, learned counsel for the applicant and Shri Rajiv Pandey, Learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted ten days further time to file replication to objection on the application for condonation of delay, filed by learned counsel for the respondents.</p> <p>List this case for orders on 18.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 851 of 2016 with M.A. No. 2070 of 2016 Inre O.A. No. Nil of 2016
Rajiv Tandon Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Virat Anand Singh, holding brief of Shri K.K. Mishra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, Shri Virat Anand Singh appears and states that Shri K.K. Mishra has not come to the Court as he is not well and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 23.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1139 of 2016

Brij Kishor Dwivedi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>On 17.08.2016, Shri V.P.S. Vats, learned counsel for the respondents, had prayed for four weeks' time to file objection on the application for condonation of delay who is not present today. On call of the case, Dr. Shailendra Sharma Atal is present who prays for further time.</p> <p>As per office report, there is delay of 08 months and 05 days in filing the Original Application. By this application, the applicant has prayed to set aside order dated 11.04.2015 and direct the respondents to examine the case of the applicant in parity of Naib Subedar Surendra Singh for granting of pension for the rank of Subedar with all consequential benefits as given to Naib Subedar Surendra Singh.</p> <p>The affidavit filed in support of application for condonation of delay filed vide M.A. No 1139 of 2016, delay has been explained sufficiently to which we think is sufficient to condone the delay.</p> <p>Accordingly, the delay in filing the Original Application is condoned rejecting the request for grant of further time to respondents.</p> <p>List this case for admission on 18.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1574 of 2016

Vashisht Kumar Dwivedi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Mohd Shariq Khan, holding brief of Shri S.G. Singh, learned counsel for the applicant and Mrs. Anju Singh, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents states that objection to the application for condonation of delay has been prepared and she will be filing the same in the Registry by tomorrow. Copy of the 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 of the same.</p> <p>List this case for admission on 01.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1575 of 2016 with M.A. No. 2183 of 2016

Awadhesh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Mohd Shariq Khan, holding brief of Shri S.G. Singh, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p><u>M.A. No. 2183 of 2016</u></p> <p>Objection on the application for condonation of delay, filed by learned counsel for the respondents is taken on record. Copy of the same has not been served to Learned counsel for the applicant.</p> <p>Dr Shailendra Sharma Atal is directed to serve the copy of objection on application for condonation of delay to learned counsel for the applicant during the course of the day. If the same is served, learned counsel for the applicant may file replication to the objection on application for condonation of delay within two weeks.</p> <p>List this case for orders on 01.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1650 of 2016 Inre O.A. No. Nil of 2016

Onkar Mani Tripathi

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Mohd. Shariq Khan, learned counsel for the applicant and Shri V.P.S. Vats, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays that as a matter of last opportunity, two weeks' and no more time be granted to him to file objection on the application for condonation of delay.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 02.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1651 of 2016 Inre O.A. No. Nil of 2016

Ganesh Dubey
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Mohd. Shariq Khan, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he has not received the copy of objection on application for condonation of delay filed by learned counsel for the respondents. Learned counsel for the respondents has served copy of objection on application for condonation of delay to 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 of the same.</p> <p>List this case for orders on 02.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1705 of 2016 with M.A. No. 1706 of 2016 Inre Dy. No. 1275 of 2014
Ajay Kumar Singh Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri S.S. Rajawat, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>M.A. No. 1706 of 2016</u></p> <p>This is an application for recall of order dated 11.09.2014 by means of which the Bench consisting of one of us (Hon'ble Mr. Justice Abdul Mateen, Member (J) and Hon'ble Lt Gen Anand Mohan Verma, Member (A) (since retired) had dismissed Dy No. 1275 of 2014 for non prosecution.</p> <p>Time for filing objection against delay in filing application for restoration was granted to learned counsel for the respondents but no objection has yet been filed.</p> <p>It is well settled proposition of law that matter be decided as early as possible on merit and not for non prosecution. Non appearance of advocate was the reason for dismissal of the case on the said date.</p> <p>The reasons given in the affidavit filed in support of the application for condonation of delay seem to be genuine.</p> <p>Accordingly, M.A. No 1705 of 2016, application for condonation of delay is allowed and the delay in filing the Original Application is condoned.</p> <p>Order dated 11.09.2014 is recalled and Dy. No. 1275 of 2014 is restored to its original number. Let the case be registered.</p>

	<p>List this case for orders on 16.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>
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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. 1729 of 2016

Rajbir Singh Sangwan
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Virant Anand Singh, holding brief of Shri K.K. Mishra, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>On call of the case, Shri Virat Anand Singh appears and states that Shri K.K. Mishra has not come to the court as he is not well and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 19.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 273 of 2015

Jawahar Lal Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>O.A. No. 273 of 2015, Jawahar Lal Singh 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>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 11 of 2014

Ayodhya Prasad

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>T.A. No. 11 of 2014, Ayodhya Prasad 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>RS</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2154 of 2016

Sahamatul Nisha
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Mrs. Deepti Prasad Bajpai on behalf of respondents is taken on record. Let her name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri Ram Dheeraj Yadav, learned counsel for the applicants and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p><u>M.A. No. 2154 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of family pension to the applicant. As per office report, there is delay of 02 years and 17 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 21.09.2016.</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 28.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 247 of 2016

Amar Nath Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri A.K. Sahu on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri, A.K. Sahu, learned counsel for the respondents.</p> <p>Let notice be issued to Respondent No. 5 since primary allegation has been made against him that inspite of issuance of PPO regarding grant of disability pension to the applicant. Respondent No. 5 is not honouring the same for making payment to the applicant. Applicant has prayed that directions be issued to grant requisite payment alongwith 18% interest due to delay of payment.</p> <p>Respondent No. 5 to file reply within two weeks from the date of issue of this notice as to why payment has not been made to the applicant as per PPO.</p> <p>List this case for orders on 27.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>Let steps be taken by learned counsel for the applicant for issuance of notice within two days.</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. 2101 of 2016 Inre O.A. No. 269 of 2014

Manoj Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Yogesh Kesarwani, learned counsel for the applicant duly assisted by Col J.G. Manhas, OIC, Legal Cell.</p> <p>Heard learned counsel for the applicant who has moved application for correction of judgment and order dated 01.03.2016 passed in O.A. No. 269 of 2014 whereby it has been prayed that in the operative portion of the judgment in para 20, instead of date 15.11.2008, it should be 15.09.2008 for the reason that the applicant was dismissed from service on 15.09.2008. It has been argued by learned counsel for the applicant that Union of India has wrongly mentioned date as 15.11.2008.</p> <p>While going through the record of O.A. No. 269 of 2014 as well as in counter affidavit, it comes out that the date of discharge is shown as 15.11.2008. Likewise in the order dated 03.08.2016 issued by DDG, DV, Integrated Headquarters of MoD (Army) New Delhi, the date of dismissal is 15.11.2008 which seems to be on record also but there is no mention of these facts in the affidavit filed for the correction.</p> <p>Let better affidavit be filed by Union of India to clarify position bringing it on record within a week.</p> <p>List this case for orders on 07.10.2016 alongwith Execution Application No. 119 of 2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2143 of 2016 Inre O.A. No. 45 of 2014

Ashwani Kumar Johri

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Mrs. Deepti Prasad Bajpai, learned counsel for the applicant and none for the respondents.</p> <p><u>M.A. No. 2143 of 2016</u></p> <p>Compliance report filed by learned counsel for the respondents is taken on record.</p> <p>Since this O.A. already stands decided vide judgment and order dated 20.01.2016, it be consigned to record.</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. 2158 of 2016 with M.A. No. 2159 of 2016 Inre O.A. No. 176 of 2014
Union of India & Others Applicants
By Legal Practitioner for Applicants

Versus

Vijay Bahadur Chauhan Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Amit Sharma, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 2158 of 2016</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 09.03.2016, passed by this Court in O.A. No. 176 of 2014.</p> <p>As per stamp reporter's report, there is delay of 05 months and 10 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p> <p>The Hon'ble Supreme Court further observed as under :</p>

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

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

M.A. No 2159 of 2016

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

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

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

SB

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 370 of 2012 with M.A. No. 668 of 2016 & M.A. No. 1953 of 2016

Anil Awasthi

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri K.K. Mishra, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on the question of admission of this O.A. It comes out that the applicant has preferred this O.A. with the prayer that respondents be directed to grant disability pension @60% to the applicant.</p> <p>Supplementary counter affidavit has been filed by learned counsel for the respondents vide M.A. No. 668 of 2016, annexing a copy of the order dated 01.12.2015. In this order 50% disability pension has been granted and it has been advised that if the applicant is not satisfied with the aforesaid, he may prefer second appeal.</p> <p>Learned counsel for the applicant has argued that grant of 50% disability pension for life is not sufficient. He prays for prays and is granted 15 days time to prefer second appeal as directed vide letter dated 01.12.2015.</p> <p>If the second appeal is preferred by the applicant within 15 days, respondents shall decide the same immediately say within a period of four months by a speaking and reasoned order and communicate the decision to the applicant.</p> <p>With the aforesaid directions, this Original Application is disposed of finally.</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. 35 of 2013 Inre O.A. No. 77 of 2011

Karan Singh

By Legal Practitioner for Applicant

Applicant

Versus

OIC Records & another

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative.</p> <p>Learned counsel for the respondents alongwith Departmental Representative submit that judgment and order dated 06.12.2012 passed in O.A. No 77 of 2011 has been complied with. He prays for and is granted a week's time to file compliance report.</p> <p>List this case for orders on 02.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 37 of 2016 with M.A. No. 1622 of 2016 Inre O.A. No. 55 of 2012
G.M. Upadhyay Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Lal Chand Sahu, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant appears and states that judgment and order dated 17.09.2015 passed in O.A. 55 of 2012 under execution has been fully complied with and payment has been made to the applicant.</p> <p>As such, 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. 55 of 2016 Inre O.A. No. 192 of 2010

Surendra Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents duly assisted by Col J.G. Manhas, OIC Legal Cell.</p> <p>Heard learned counsel for the parties on this execution application which has been moved by the applicant for non execution of judgment and order dated 30.10.2015 passed in O.A. No 192 of 2010. It is sad part of affair on part of respondents, that even after imposing a cost of Rs. 20,000/- on 19.05.2016 which has been deposited but still the judgment has not been complied with.</p> <p>On query, learned counsel for the respondents submitted that matter is pending before Director PS-4 (Legal), Integrated Headquarters of MoD (Army), New Delhi.</p> <p>Let notice be issued to Director PS-4 (Legal) for his personal appearance in the Court on 21.11.2016 to explain his position, why the aforesaid judgment and order has not been implemented. A cost of Rs, 10,000/- is imposed upon the respondents which will be deducted from the salary of Director PS-4 (Legal) for non compliance of judgment and order.</p> <p>It is clarified that if the judgment and order is implemented by the date fixed, he need not to appear before this court.</p> <p>List this case for orders on 21.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 97 of 2016 Inre O.A. No. 33 of 2014

Greesh Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this execution application which has been moved by the applicant for non compliance of judgment and order dated 12.01.2016 passed in O.A. No. 33 of 2014.</p> <p>Learned counsel for the respondents, on the basis of instructions, informs the court that Govt. Sanction has been issued on 21.09.2016 and PPO shall be issued to the applicant within a month. He prays for and is granted four weeks' time to file compliance report.</p> <p>List this case for orders on 30.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 119 of 2016 with M.A. No. 2163 of 2016 Inre O.A. No. 269 of 2014
Manoj Kumar Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents.</p> <p>List this case alongwith M.A. No. 2101 of 2016 for orders on 07.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 128 of 2016 Inre 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

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents has handed over copy of the PPO to learned counsel for the applicant, today in the court, issued in pursuance of judgment and order dated 08.02.2016 passed in O.A. No. 210 of 2012 and states that judgment has been complied with.</p> <p>Learned counsel for the applicant submits that he intends to obtain instructions from his client that payment in pursuance to PPO has been made to him or not. He further submits that while going through the PPO, it is observed that PPO is not as per authorisation. He prays for and is granted four weeks' time to file objection on the same.</p> <p>List this case for orders on 29.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

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

Dhani Ram Vishwakarma & Ors
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Mrs. Kavita Belaura, learned counsel for the applicant and Shri Kaushik Chattarji, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative.</p> <p>Heard learned counsel for the parties on this execution application which has been moved by the applicant for non compliance of judgment and order dated 10.04.2012 passed in O.A. No. 134 of 2012. On 26.07.2016 this court has granted four weeks' time to the respondents to comply the judgment but the same has not yet been complied with.</p> <p>Learned counsel for the respondents, on the basis of instructions, informs the court that Govt. Sanction has already been issued on 16.09.2016 by the competent authority and necessary PPO shall be issued to the applicant within a month. He prays for and is granted six weeks' time to file compliance report.</p> <p>List this case for orders on 01.12.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

DY. No. 2572 of 2016 Inre O.A. No. Nil of 2016

Ranjit Lal & Others

Applicants

By Legal Practitioner for Applicants

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Adesh Kumar Gupta on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri R.N. Tripathi, learned counsel for the applicants and Shri Adesh Kumar Gupta, learned counsel for the respondents.</p> <p><u>DY. No. 2572 of 2016</u></p> <p>Heard learned counsel for the applicants on this application whereby office has reported that since applicants retired from the rank of Nb Sub on 01.07.1980, 01.05.1988 and 01.09.1988 respectively and since all the three applicants have prayed to pay pension of Hony Nb Sub with effect from respective dates of retirement, as such there is delay of 35 years, 08 months and 17 days in filing the O.A. Although learned counsel for the applicants has filed application with the request to exempt him from filing application for condonation of delay which cannot be allowed and is hereby rejected.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to file application for condonation of delay.</p> <p>List this case for orders on 27.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2148 of 2016

Surinder Kumar Patyal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Adesh Narain Tripathi on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri Rajat Pratap Singh, learned counsel for the applicant and Shri Adesh Narain Tripathi, learned counsel for the respondents.</p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of disability pension to the applicant. The applicant has prayed to quash the order dated 12.08.2016 by which claim for rounding off of disability pension has been rejected as such it seems that there is no delay in filing Original Application.</p> <p>Accordingly, application for condonation of delay is allowed and the delay is condoned. Report submitted by the office is hereby rejected.</p> <p>Heard learned counsel for the applicant on this Original Application which has been filed by the applicant with the prayer that disability pension of the applicant be rounded off and since applicant has been granted disability pension @ 20% it should be rounded off to 50%. Learned counsel for the applicant submits that his prayer has been supported by various judgments of Hon'ble The Apex Court like Civil Appeal No 5591 of 2006, K.J.S. Buttar vs. Union of India and another decided on 31/03/2011 and Civil appeal No 418 of 2012, Union of India and Others vs. Ram Avtar decided on 10/12/2014. There seem to be substance in the argument submitted by learned counsel for the applicant.</p> <p>Accordingly, we admit this O.A. Let the case be registered.</p> <p><u>O.A. No. 250 of 2016</u></p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case for orders on 25.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 196 of 2016 Inre O.A. No. 97 of 2016

Sudhir Kumar Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : The applicant in person and Shri Amit Sharma, learned counsel for the respondents.</p> <p>Heard applicant who is present in person and has moved this execution application against the order passed by this Court on 06.05.2016 in O.A. No 97 of 2016 being not complied with to the effect that the appeal preferred by the applicant has not been decided within the stipulated time.</p> <p>Learned counsel for the respondents has placed before the court the order dated 16.09.2016 passed by respondents on the appeal preferred by the applicant and submits that appeal preferred by the applicant has already been decided.</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>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2150 of 2016 with M.A. No. 2151 of 2016 Inre O.A. No. 83 of 2015
Union of India & Others Applicants
By Legal Practitioner for Applicants

Versus

Bhairab Kumar Rai Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Asheesh Agnihotri, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 2150 of 2016</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 15.07.2016, passed by this Court in O.A. No. 83 of 2015.</p> <p>As per stamp reporter's report, there is delay of 01 month and 04 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal shall be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</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 limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

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

M.A. No 2151 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. 2152 of 2016 with M.A. No. 2153 of 2016 Inre O.A. No. 248 of 2013
Union of India & Others Applicants
By Legal Practitioner for Applicants

Versus

Daya Ram Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Asheesh Agnihotri, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 2152 of 2016</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 18.11.2015, passed by this Court in O.A. No. 248 of 2013.</p> <p>As per stamp reporter's report, there is delay of 09 months and 01 day in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal shall be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p> <p>The Hon'ble Supreme Court further observed as under :</p>

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

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

M.A. No 2153 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

EX.A. No. 22 of 2011 with M.A. No. 1999 of 2016 Inre T.A. No. 56 of 2010

Vijay Prakash

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Col YR Sharma (Retd) holding brief of Maj R.D. Singh (Retd), learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>On call of the case, Col YR Sharma (Retd) appears and states that Maj RD Singh (Retd) has not come to the Court as he is not well and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 10.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

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

Karan Singh

Applicant

By Legal Practitioner for Applicant

Versus

OIC Records & another

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the respondents, list this case for orders on 23.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 40 of 2013 Inre 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><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri S.B. Tiwari, learned counsel for the applicant and 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 dated 24.08.2012 passed in O.A. 332 of 2012 under execution has not been complied with in toto. No doubt, necessary PPO has been issued but there are certain discrepancies in the PPO for which he intends to file objection in the Registry. Copy of objection has been served upon to Shri DK Pandey today in the Court. He may file response to the said affidavit within three weeks'.</p> <p>List this case for orders on 09.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 27 of 2015 Inre O.A. No. 51 of 2014

Liladhar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Yash Pal Singh, 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 execution application has been moved by the applicant for non execution of judgment and order dated 04.03.2015 passed in O.A. No 51 of 2014. Respondents had filed SLP against this judgment in Hon'ble The Apex Court which has been rejected but still the judgment has not been complied with. As it comes out from the operative portion of the judgment that respondents were directed to pay arrears of salary from 01.01.2006 to 31.03.2006 and also provisional pension from 01.04.2006 to 13.12.2007 which has not been paid. The said judgment has not yet been implemented. Three months time was granted to comply with the judgment but the same has not been implemented even after lapse of one and half year.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' further time to seek instruction and file compliance report. This matter be brought in the notice of Chief of the Army Staff. We request him to make inquiry and fix responsibility against the officer responsible for non implementation of judgment. Registrar this Court shall ensure compliance.</p> <p>List this case for orders on 10.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

**EX.A. No. 48 of 2016 with M.A. No. 1287 of 2016, M.A. No. 2128 of 2016 Inre O.A.
No. 494 of 2012**

Rama Shanker Mishra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Yash Pal Singh, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 2128 of 2016</u></p> <p>This is an application for exemption of personal appearance of Respondent No 3 in the Court. Although, respondent No 3 Brig K Vinod Kumar, OIC Signal Records is present. Learned counsel for the respondents submits that this application be treated as application for future exemption of personal appearance. The other application has been filed for extension of time for conducting Review Medical Board of the applicant who is said to be admitted in Command Hospital Lucknow and is undergoing Review Medical Board. The reasons shown in affidavit for exemption of personal appearance seem to be genuine.</p> <p>Accordingly, we exempt further personal appearance of Respondent No 3 unless called for.</p> <p>Since Review Medical Board of the applicant is in progress as such we direct the matter to be listed after three months.</p> <p>List this case for orders on 10.01.2017 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. 63 of 2016 Inre T.A. No. 837 of 2010

Dinesh Singh Kushwaha
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Mohd Zafar Khan, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents submits that he has supplied copy of PPO to learned counsel for the applicant in pursuance of judgment of this court dated 01.10.2015 passed in TA. No 837 of 2010.</p> <p>Learned counsel for the applicant submits that his client has gone abroad and he will return in the month of February 2017. He prays for and is granted four months time to enable him to confirm whether payment to his client has been made or not.</p> <p>List this case for orders on 27.02.2017 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. 2136 of 2016 Inre O.A. No. Nil of 2016

Rajendra Prasad

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Asheesh Agnihotri on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p><u>M.A. No 2136 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of disability pension to the applicant. As per office report, there is delay of 10 years and 23 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 15.09.2016.</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 15.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 188 of 2016 Inre T.A. No. 126 of 2011

Santosh Kumar Sharma

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Chet Narayan Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri D.S. Kauntae, learned counsel for the applicant and Dr. Chet Narayan Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this execution application which has been filed with respect to grievance for non compliance of judgment and order dated 18.09.2015 passed in T.A. No. 126 of 2011 whereby this court while allowing the T.A. has directed the respondents to grant disability pension to the applicant @ 20% for life from the date of discharge and to pay arrears alongwith interest @ 9% per annum and also consider the case of rounding off of disability pension to 50% as per policy in the light of judgment of Hon'ble Apex Court in the case of Union of India & Others vs. Ram Avtar & others Civil Appeal No 418 of 2012 decided on 10th December 2014. The said judgment was to be implemented within three months but inspite of expiry of stipulated period, the same has not yet been implemented and this execution application has seen the light of the day. Copy of this execution application has been served upon learned counsel for the respondents on 14.09.2016.</p> <p>Learned counsel for the respondents is directed to obtain instructions from the authority concerned and file reply within a period of three weeks' as to why and under what circumstances judgment and order of this court has not yet been implemented.</p> <p>List this case for orders on 25.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 193 of 2016 Inre O.A. No. 223 of 2012

Harak Singh Dhauni
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Shyam Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this execution application which has been filed with respect to non execution of judgment and order 31.05.2012 passed in O.A. No. 223 of 2012. Copy of this execution application has been served upon learned counsel for the respondents on 19.09.2016.</p> <p>Learned counsel for the respondents is directed to obtain instructions from the authority concerned and file reply within a period of three weeks' as to why and under what circumstances judgment and order of this court has not yet been implemented.</p> <p>List this case for orders on 16.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 195 of 2016 Inre O.A. No. 32 of 2013

Surendra Singh Sengar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this execution application which has been filed for non execution of judgment and order dated 08.01.2016 passed in O.A. No. 32 of 2013 whereby direction was issued to the respondents to grant pension of Hony Naib Subedar to the applicant w.e.f. 01.01.2006. The said judgment was to be implemented within a period of four months. Submission of learned counsel for the applicant is that aforesaid judgment has not yet been implemented after passage of stipulated period. Copy of this execution application has been served upon learned counsel for the respondents on 12.09.2016.</p> <p>Learned counsel for the respondents is directed to obtain instructions from the authority concerned and file reply within a period of four weeks' as to why and under what circumstances judgment and order of this court has not yet been implemented.</p> <p>List this case for orders on 23.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2132 of 2016 with M.A. No. 2133 of 2016 Inre O.A. No. 218 of 2015
Subhash Kushwaha Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Pramod Singh Gahmari, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p><u>M.A. No. 2132 of 2016</u></p> <p>Heard learned counsel for the applicant.</p> <p>We have gone through the application for condonation the delay, filed under Section 31 (2) of Armed Forces Tribunal Act, 2007 for grant of leave to appeal to the applicant against the judgment and order dated 16.03.2016 passed in O.A. No. 218 of 2015. The application was filed by the applicant with the prayer to grant pension. This Court has dismissed the same holding that since the applicant was dismissed from service and was not entitled for pensionary benefits. Order was passed on 16.03.2016 and this application for condonation of delay has now been moved with delay of 5 months and 01 day. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal for approaching Hon'ble Supreme Court shall be moved within a period of 30 days beginning with the date of decision of the Tribunal. Since this application for condonation of delay has been filed with delay of 05 months and 01 day, as such it cannot be entertained. Apart from this, grounds taken in application for condonation of delay also do not seem to be sufficient.</p> <p>Accordingly, application for condonation of delay is rejected.</p> <p><u>M.A. No 2133 of 2016</u></p> <p>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 stipulated period of 30 days. Since the application for condonation of delay in moving this application has been</p>

rejected, in consequence thereof, this application is also liable to be rejected hence rejected.

Even otherwise also, we do not find any point of law of general public importance involved in this case 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

EX.A. No. 42 of 2013 Inre O.A. No. 379 of 2012

Vishwa Nath

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant whereas Shri Namit Sharma, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant. This case was earlier listed on 20.09.2016. While going through the case, it comes out that learned counsel for the applicant was not present on that date too.</p> <p>Since the matter relates to execution of judgment and order dated 21.09.2015 passed in O.A. No. 379 of 2012, we direct the respondents to make payment of revised pension of Hony Naib Subedar to be paid w.e.f. 01.01.2006 alongwith arrears of interest @ 8% per annum.</p> <p>Learned counsel for the respondents, on the basis of instructions, informs the court that in pursuance of aforesaid judgment, necessary PPO has been issued on 24.05.2016 and place of payment is State Bank of India, Branch Chhibramau, Farrukhabad (UP). Copy of the PPO filed by learned counsel for the respondents is taken on record.</p> <p>In view of above, this execution application has rendered infructuous and is accordingly 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. 71 of 2013 Inre O.A. No. 440 of 2012

Bashisht Narayan
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant whereas Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant. On 30.08.2016 also, no one appeared for the applicant.</p> <p>This execution application has been filed by the applicant being aggrieved for non execution of judgment and order dated 18.10.2012 passed in O.A. No. 440 of 2012.</p> <p>Learned counsel for the respondents, on the basis of instructions, inform the court that in pursuance of aforesaid judgment, necessary PPO with respect to Applicant No. 1, Bashisht Narayan has been issued but so far as Respodent No 2 Sampurnanand Mishra is concerned, PPO has been issued but he is not in possession of said PPO.</p> <p>As prayed by learned counsel for the respondents, a week's time is granted to enable him to place on record the copies of both PPOs before the Court.</p> <p>List this case for orders on 29.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 13 of 2016 Inre O.A. No. 272 of 2014

Adapa Seshagiri
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>On call of the case, learned counsel for the respondents submits that sanction for grant of disability pension to the applicant @ 50% for 5 years from the date of discharge has been granted vide order dated 14.09.2016. Order to conduct Re-survey Medical Board within a period of three months and grant of arrears of disability pension have also been issued alongwith interest @ 9% per annum from the date of discharge till the date of actual payment. We expect that in pursuance to Govt. sanction, necessary PPO will be issued within four weeks.</p> <p>List this case for orders on 24.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 68 of 2016 Inre O.A. No. 68 of 2013

Supinder Chaudhary

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri O.P. Kushwaha, 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 execution application has been filed by the applicant for non compliance of judgment and order dated 14.10.2015, passed in OA. No 68 of 2013.</p> <p>On 18.08.2016, we had directed to issue notice to PCDA (Pension) Allahabad that either he himself or some officer to appear and apprise the Court as to why inspite of issuance of Govt. sanction, necessary PPO has not been issued.</p> <p>Today, Dr Upinderbir Singh, Deputy CDA and Shri Manas Kumar Chaudhury, Senior Accounts Officer are present in the Court and make statement that in pursuance of aforesaid judgment, necessary PPO has been issued on 07.09.2016. He has rendered his apology for late issuance of PPO and further undertakes that henceforth, after issue of Govt. sanction measures will be undertaken to issue necessary PPO in faster time frame.</p> <p>Apology tendered is accepted. Copy of PPO has been served upon learned counsel for the applicant who may seek instructions from his client that in pursuance to PPO, whether necessary payment has been made to him or not.</p> <p>Deputy CDA and Senior Account Officer, PCDA (P), Allahabad need not to appear again unless they are called for.</p> <p>List this case for orders on 18.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

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

Ram Asis
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents, on the basis of instructions, makes statement that in pursuance to judgment and order dated 18.11.2015 passed in O.A. No 337 of 2013, Govt. sanction has been issued on 23.06.2016 but the matter is pending before PCDA (Pension) Allahabad for issuance of PPO.</p> <p>Learned counsel for the respondents is directed to obtain instruction from PCDA (Pension), Allahabad within three weeks' that in pursuance to Govt sanction, why and under what circumstances, necessary PPO has not been issued.</p> <p>We have come across a number of similar cases wherein even after grant of Government sanction, issuance of PPO is inordinately delayed by PCDA (P) Allahabad and after issue of PPO, there is considerable delay in money getting credited in the Bank account of the pensioner. Since the Deputy CDA was present in the Court, he was asked to explain the procedure post issuance of Govt. order till the money is credited in the account of pensioner and causes of delay. From the deliberations, it comes out that there is a need to streamline the procedure and work out timelines by which PAO (OR), OIC Records and PCDA (Pension) Allahabad must function in sync to ensure that after grant of Govt. sanction, PPO is issued in time without unnecessary delay and the money is credited in the account of pensioner at the earliest. PCDA (P) Allahabad should issue proper guidelines indicating the time frame in which PAO (OR), OIC Records and PCDA (Pension)</p>

Allahabad must function to ensure timely action for issuance and despatch of PPO so that the money is timely credited in the account of pensioner.

Let copy of this order be circulated to all OIC Records through AG's Branch, Integrated HQ of MoD (Army) and to all PAO (OR) through PCDA (Pension) Allahabad for compliance.

List this case for orders on **07.10.2016** before court concerned having jurisdiction as per roster of that day.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

SB

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

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

Naresh Chandra Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Col Rakesh Johri (Retd), learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>On 28.07.2016, a statement was given by learned counsel for the respondents that in execution of judgment and order dated 07.04.2015 passed on in T.A. No 966 of 2010, Govt. sanction has been issued. Today, learned counsel for the respondents is not in a position to inform the Court that in pursuance to Govt. sanction necessary PPO has been issued or not.</p> <p>Dy CDA, PCDA (Pension) Allahabad, who is present in the Court, is directed to look into the matter as to why in pursuance of Govt. sanction, necessary PPO has not been issued. If the same is not issued, he will look into the matter and issue PPO within 10 days.</p> <p>List this case for orders on 06.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 85 of 2016 with M.A. No. 2126 of 2016 Inre T.A. No. 1048 of 2010

Satnam Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 2126 of 2016</u></p> <p>This is an application for exemption of personal appearance moved by learned counsel the respondents on behalf of Respondent No 3. Vide order dated 30.08.2016, he was directed to be present in the Court if the judgment and order dated 22.09.2015 passed in T.A. 1048 of 2010 is not implemented.</p> <p><u>Ex.A. No. 85 of 2016</u></p> <p>Today, learned counsel for the respondents has placed before the Court photocopy of PPO dated 16.09.2016 issued in pursuance of judgment and order under execution. Copy of this PPO has been served upon learned counsel for the applicant in the Court.</p> <p>Since part of judgment has been implemented, personal appearance of Respondent No 3 in the Court is exempted. So far as payment to the applicant is concerned, Dr. Upinderbir Singh, Dy CDA, PCDA (Pension) Allahabad, who is present in the Court, is directed to look into the matter and ensure that payment is made to the applicant at an early date.</p> <p>List this case for orders on 24.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 110 of 2016 Inre O.A. No. 197 of 2012

Jaivir Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri P.K. Shukla, 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 respondents placed before the Court photocopy of PPO dated 20.09.2016 issued in pursuance of judgment and order dated 11.05.2012 passed in O.A. No. 197 of 2012. Copy of this PPO has been served upon learned counsel for the applicant in the Court, today itself.</p> <p>Dy CDA, Dr. Upinderbir Singh, who is present in the Court, is directed to look into the matter and ensure that payment is made to the applicant at an early date.</p> <p>List this case for orders on 25.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2105 of 2016 Inre O.A. No. Nil of 2016

Ram Bahadur Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Col S.K. Varshney, Departmental Representative for the respondents.</p> <p><u>M.A. No 2105 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of disability pension to the applicant. As per office report, there is delay of 30 years, 09 months and 09 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 15.09.2016.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection on application for condonation of delay.</p> <p>List this case for orders on 24.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2106 of 2016 Inre O.A. No. Nil of 2016

Harinder Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri, learned counsel for the respondents.</p> <p><u>M.A. No 2106 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of disability pension to the applicant. As per office report, there is delay of 12 years, 07 months and 05 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 15.09.2016.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection on application for condonation of delay.</p> <p>List this case for orders on 29.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 192 of 2016 Inre O.A. No. 12 of 2016

Badri Prasad Sharma

Applicant

By Legal Practitioner for Applicant

Versus

First Appellate Committee & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Rohit Kumar, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this execution application which has been filed to the effect that judgment and order dated 13.01.2016 passed in O.A. No. 12 of 2016 has not been complied with. The order was passed to the effect that First Appeal preferred by the applicant be decided by the competent authority by a reasoned and speaking order within four months but the same has not yet been decided. Copy of this execution application has been served upon learned counsel for the respondents on 15.09.2016.</p> <p>Learned counsel for the respondents prays for and is granted three weeks' time to obtain instructions from authority concerned and apprise the court about the outcome of the appeal.</p> <p>List this case for orders on 24.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2113 of 2016 Inre O.A. No. 20 of 2015 with M.A. No. 898 of 2016
Sudhir Kumar Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri D.N. Pandey, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p><u>M.A. No. 2113 of 2016</u></p> <p>This is an application for restoration of O.A. No. 20 of 2015 alongwith M.A. No. 898 of 2016 which was dismissed for non prosecution on 10.08.2016. The reasons given in affidavit filed in support of recall application seem to be genuine.</p> <p>Accordingly, order dated 10.08.2016 is recalled subject to payment of Rs. 500/- to be deposited in AFT Bar Association Library. On production of receipt of deposit, the case will be restored to its original number.</p> <p>List this case for orders on 13.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 190 of 2016

Anand Pathak
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri P.K. Shukla, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case for orders on 28.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 24 of 2016

Munshi Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shesh Narain Pandey, 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 Dr. Shesh Narain Pandey, learned counsel for the respondents.</p> <p>This Transferred Application has been received by way of transfer from High Court of Judicature at Allahabad and numbered as T.A. No. 24 of 2016. Notice to the applicant was issued but as per office report dated 16.09.2016, the said notice has not been received back served or un-served from the concerned Post Office.</p> <p>Let report be obtained from Post Office concerned, whether notice issued to the applicant has been served or not.</p> <p>List this case for orders on 25.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 42 of 2013 Inre O.A. No. 379 of 2012

Vishwa Nath

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant whereas Shri Namit Sharma, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the respondents, list this case for orders on 21.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 51 of 2013 with M.A. No. 1679 of 2016 Inre O.A. No. 414 of 2011
Parmanand Rai
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this execution application which has been filed by the applicant for non execution of the judgment and order dated 10.01.2012 passed in O.A. No. 414 of 2011.</p> <p>Argument advanced by learned counsel for the applicant is to the effect that in compliance of judgment and order of this Court, necessary PPO has been issued to Applicant No. 1, Parmanand Rai but payment made to the applicant is not as per the PPO.</p> <p>We direct learned counsel for the applicant to bring on record the payment made to Applicant No 1, Parmanand Rai. He is also directed to apprise the Court by means of an affidavit within two weeks', if PPO has been issued to other five applicants or not and how much amount has been paid to them. Learned counsel for the respondents will also check and give details of PPO issued to other applicants.</p> <p>List this case for orders on 14.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) 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. 60 of 2013 with M.A. No. 1744 of 2016 Inre O.A. No. 419 of 2011
Satya Narayan Singh & Ors
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><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicants and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicants who makes a statement at Bar that inspite of issuance of PPO to the applicant on 24.05.2016, necessary payment has not been made.</p> <p>Let notice be issued to the Manager State Bank of India, Bhagauti Katra, Azamgarh City Branch, Azamgarh, U.P. to appear in Court to clarify as to why inspite of issuance of PPO No S/33503/1994 as amended vide Corrigendum PPO No S/Corr/103214/95, S/Corr/162229/95 and S/Corr/6th CPC/230802/2013, no payment has been made to the applicant. He will either file affidavit of compliance or shall appear in the Court in person to explain the reasons why the amount has not been paid to the applicant.</p> <p>List this case for orders on 25.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 61 of 2013 Inre O.A. No. 420 of 2011

Harihar Upadhyay

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he be granted further a week's time to contact his client to confirm, whether payment in pursuance to PPO has been made to him or not.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 29.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 30 of 2015 with M.A. No. 1107 of 2016 Inre T.A. No. 624 of 2010
Smt Anshu Chauhan
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant whereas Dr. Shesh Narain Pandey, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant. On 12.07.2016, Notice was issued to Branch Manager, State Bank of India, Amroha (J.P. Nagar) U.P. through CJM, Amroha U.P. to file an affidavit that under what circumstances an amount of Rs 38,705/- was recovered from pension of the applicant.</p> <p>As per office report, notice has been served to Branch Manager, State Bank of India, Amroha (J.P. Nagar) U.P. but today he is neither present in the Court nor any reply has been filed by him.</p> <p>Let bailable warrant of arrest be issued against Branch Manager, State Bank of India, Amroha (J.P. Nagar) U.P through CJM, Amroha, U.P. directing him to appear before this Court in person and apprise this Court with regard to query made on 12.07.2016.</p> <p>List this case for orders on 26.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2087 of 2016
(Inre: M.A. No. 1874 & 1875 of 2016)

Yogendra Kumar Sharma
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri SC Yadav, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><u>M.A.No. 2087 of 2016</u></p> <p>This is an application for recall of the order dated 26.08.2016 passed by this Court, by means of which M.A.No. 1874 of 2016 and M.A.No. 1875 of 2016 were dismissed for non-prosecution.</p> <p>Copy of this application was served on learned Standing Counsel for the respondents on 14.09.2016. He prays for and is allowed two weeks' time to file objection.</p> <p>List this case for orders on 26.10.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 276 of 2013

Babu Ram Yadav

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>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>Time was granted to Dr. Shailendra Sharma Atal, learned Standing Counsel for the respondents to file supplementary counter affidavit, but the same has not been filed. Today, Dr Shailendra Sharma Atal prays that he be granted further a weeks' time to file supplementary counter affidavit.</p> <p>As prayed by him, he is granted a week and no more time to file supplementary counter affidavit.</p> <p>List this case for orders on 08.11.2016 before the Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 108 of 2014

Bans Raj Pal

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri SK Mishra, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri SK Mishra, learned counsel for the applicant prays for further two weeks' time to file rejoinder affidavit. As prayed, he is granted two weeks and no more time to file the same.</p> <p>List this case for orders on 15.12.2016 before the Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 100 of 2011 With M.A. No. 508 of 2016

Ajay Kumar Yadav

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><u>M.A.No. 508 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A. Earlier, O.A was filed without any application for condonation of delay. In Para 5 of this application for condonation of delay, it has been averred that on 25.04.2008, the applicant had made a second appeal. However, the record does not reveal that the applicant had filed a second appeal, also Shri Bhanu Pratap Singh, learned Standing Counsel appearing for the respondents confirms that no second appeal was preferred by the applicant.</p> <p>Shri R.Chandra, learned counsel for the applicant states that he be permitted to withdraw this application with liberty to file a fresh application for condonation of delay.</p> <p>Accordingly, this application is dismissed as withdrawn with liberty to file a fresh, if so advised.</p> <p>List this case for orders on 03.10.2016 before the Court having jurisdiction as per roster of that day.</p> <p style="text-align: center;"> (Lt Gen Gyan Bhushan) Member (A) (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. 203 of 2012 With M.A. No. 1518 of 2016

Smt Sandhya Rai

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PN Chaturvedi, learned counsel for the applicant and Shri AK Sahu, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri P.N.Chaturvedi, learned counsel for the applicant admits that in spite of there being no application moved by him for impleadment of Smt. Renu Kumari Raine and her two sons in the array of parties as respondents and their impleadment having been allowed by this Court, he incorporated the amendment in the petition and impleaded Smt. Renu Kumari Raine as respondent No. 7. For this mistake, Shri P.N.Chaturvedi tenders his apology, which is accepted.</p> <p>Shri P.N.Chaturvedi prays for and is allowed ten days' time to move an application for impleadment of Smt. Renu Kumari Raine and her two sons as respondents.</p> <p>List this case for orders on 21.11.2016 before the Court 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>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 164 of 2013 With M.A. No. 2035 of 2016

Warrant Officer Shashi Kant Chaturvedi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u> Present: Shri PN Chaturvedi, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental representative.</p> <p><u>M.A. No. 2035 of 2016</u></p> <p>On 25.08.2016, objection was raised by learned counsel for the respondents regarding maintainability of this O.A, stating that the applicant is a resident of Gwalior and cause of action has also accrued at Gwalior, which is not within the territorial jurisdiction of this Court. On the contrary, submission of Shri P.N.Chaturvedi, learned counsel for the applicant was that the applicant is residing at Banda (UP). He was directed to file an affidavit to this effect within ten days.</p> <p>Pursuant to the above order, this application for amendment has been moved stating therein that address of the applicant has changed and now it is F 196A, Rly Colony, Jhansi (UP). No evidence has been annexed with the application to support the aforesaid statement of the applicant, either in the shape of Adhar Card or any other convincing document.</p> <p>Learned counsel for the applicant is directed to file Adhar Card of the applicant or any other convincing evidence so as to show that he is residing at F 196A, Rly Colony, Jhansi (UP), as averred in the application.</p> <p>List this case for orders on 22.11.2016 before the Court having jurisdiction as per roster of that day.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 203 of 2012 With M.A. No. 1518 of 2016

Smt Sandhya Rai

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PN Chaturvedi, learned counsel for the applicant and Shri AK Sahu, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>As prayed by Shri PN Chaturvedi, learned counsel for applicant list this case for orders tomorrow.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 174 of 2016

Kailash Kumar

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Kailash Kumar, in person, and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representatives.</p> <p>Shri Kailash Kumar, appearing in person, states that he has prepared amendment application and will be filing it in the Registry of the Court during the course of the day. Copy of this application has been served on the respondent's counsel in the Court today itself by the applicant.</p> <p>Dr Shailendra Sharma Atal, learned Standing Counsel for the respondents prays for and is granted three weeks' time to file objection to the aforesaid application.</p> <p>List this case for orders on 18.12.2016 before the appropriate court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 190 of 2016 With M.A. No. 2200 of 2016

Anand Pathak

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PK Shukla, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Wing Cdr Sardul Singh, Departmental representative.</p> <p><u>M.A. No. 2200 of 2016</u></p> <p>This is an application for taking the supplementary affidavit on record, which is taken on record and the application stands disposed of.</p> <p>Shri PK Shukla, learned counsel for the applicant, states that he intends to move an amendment application to challenge the order dated 18.07.2016, issued by Air Headquarters, Directorate of Air Veterans, Subroto Park, New Delhi. He prays for and is allowed four weeks' time for the purpose.</p> <p>List this case for orders on 19.12.2016 before the Court 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>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 142 of 2016

Yaduvir Singh Sisodiya
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Col YR Sharma (Retd), learned counsel for the applicant and Shri Siddharth Dhaon, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Vide order dated 27.05.2016, this Court had directed the respondents to decide the applicant's representation dated 23.01.2013, addressed to the Additional Director General Personal Service, Respondent No. 3, praying for grant of disability pension and war injury pension within a period of three months, since he had sustained injury in 1971 war.</p> <p>Shri Siddharth Dhaon, learned Standing Counsel appearing for the respondents states that he has received no instructions as to whether the said representation of the applicant, has been decided or not. He prays for and is allowed a month's time to obtain instructions and inform the Court regarding the outcome of the orders passed by the Additional Director General Personal Service, Respondent No. 3. on the said representation.</p> <p>It is clarified that if the said representation of the applicant is not decided by the Additional Director General Personal Service, Respondent No. 3 and no instructions in that regard are received by the learned Standing Counsel by the next date, the respondents shall be ready to bear heavy costs.</p> <p>List this case for orders on 15.12.2016 before the Court having jurisdiction as per roster of that day.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 33 of 2016

Smt Premawati Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Lt Priya Prasad, Departmental representative, for the respondents.</p> <p>This case has come up on transfer from Hon'ble Allahabad High Court and has been registered as T.A.No. 33 of 2016 in this Tribunal. Notices were sent to applicant Smt. Premawati Devi, but the same have not been received back served or unserved. On 19.08.2016, we had directed the office to inquire about the service of notice on the applicant from Post Office concerned. In compliance of the said order, the office issued notice to the Senior Post Master, Dilkusha and sought for a report from him regarding service of notice on the applicant, but no report/reply has been received from him.</p> <p>Let notice be issued to Post Master General, Lucknow informing him that Senior Post Master, Dilkusha is not co-operating in the matter and he is disobeying the directions issued by the Court. The Post Master General, Lucknow shall direct the Senior Post Master Dilkusha to appear in person before this Court alongwith report regarding service of notice on Smt. Premawati, applicant of the present case, on 21.12.2016, failing which the Court may pass adverse orders not only against the Senior Post Master Dilkusha but also against the Post Master General, Lucknow.</p> <p>List this case for orders on 21.12.2016 before the Court having jurisdiction as per roster of that day.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 777 of 2010

Narain Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Narain Singh, in person, and Ms Anju Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard applicant Shri Narain Singh, appearing in person, on the application (Diary No. 1314), which has been moved for amendment of the petition.</p> <p>Initially, the applicant had filed the present petition with the prayer that the respondents be directed to grant service pension to him. It seems that since the applicant was discharged from service in pursuance of the order dated 15.11.1967, he, by means of this application (Diary No. 1314), has prayed for amendment of the petition, challenging the said order of discharge.</p> <p>It comes out that the applicant had preferred this petition before Hon'ble Allahabad High Court in the month of April, 1993 and it was lingering on there for a long time. Now, after transfer from Hon'ble Allahabad High Court this case has come up before this Tribunal. Since the entire case of the applicant is based on the issue of discharge, we allow this application for amendment and direct the applicant to make necessary amendments in the memo of petition within two weeks.</p> <p>List this case for hearing on 25.10.2016 before the Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1134 of 2016 With M.A. No. 2009 of 2016
(Inre: O. A. No. Nil of 2016)

Vinod Kumar Mehta
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><u>M.A. No. 2009 of 2016</u></p> <p>This is an application for taking the objection filed by the respondents against delay condonation application on record, which is taken on record.</p> <p>The application is finally disposed of.</p> <p>Shri K.K.S.Bisht, 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 14.12.2016 before the Court 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>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1147 of 2016 With M.A. No. 1431 of 2016

Manoj Kumar Pandey

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>As prayed by Shri R Chandra, learned counsel for the applicant, a week's time is allowed to file replication to the objection filed by the respondents.</p> <p>List this case for orders on 15.12.2016 before the Court 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>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2090 of 2016
(Inre: O.A. No. 329 of 2015)

Smt Pyari Gurung
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PK Shukla, learned counsel for the applicant and Dr Gyan Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><u>M.A.No. 2090 of 2016</u></p> <p>The respondents, vide order of this Court dated 1.12.2015, were directed to conduct and conclude a fresh inquiry to verify the facts as to whether applicant Smt. Pyari Gurung is legally wedded wife of late Tek Bahadur Gurung or not, within four months but they could not conclude it. Now, this application for extension of time has been moved stating the reasons on account of which the inquiry could not be concluded within specified time and praying for grant of further four months' time to conclude the inquiry as directed by this Court.</p> <p>The reasons stated in the affidavit filed in support of the application seem to be genuine.</p> <p>Accordingly, the application is allowed. The respondents are granted further four months' time, as prayed, to conclude the inquiry in terms of the order dated 1.12.2015.</p> <p>List this case for orders on 10.02.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 315 of 2011 With M.A. No. 1531 & 2191 of 2016

Triveni Prasad Shukla

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri VP Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith WO Deshraj Singh, Departmental representative.</p> <p>Sri V.P.Pandey, learned counsel for the applicant has filed a supplementary affidavit annexing therewith a copy of PPO to indicate that the applicant was granted disability pension upto 31.12.2003. According to him, the applicant continued to get disability pension and it was discontinued with effect from November, 2011 on the ground that Re-Survey Medical Board held on 22.12.2003 had assessed the disability as less than 20%.</p> <p>Let specific reply be filed by the respondents within two weeks as to why and under what circumstances the disability pension to the applicant has been discontinued as also details of Medical Board held since his discharge alongwith recommendation of the Board.</p> <p>List this case for orders on 21.11.2016 before the Court having jurisdiction as per roster of that day.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 121 of 2015 With M.A. No. 589 & 845 of 2016

Smt Priyanka Mishra

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Bhasker Pratap Dubey, learned counsel for the applicant, Dr Shailendra Sharma Atal, learned Standing Counsel alongwith WC Sardul Singh and WO Deshraj Singh Departmental representatives and Shri T.N.Tiwari, for the respondent No. 5.</p> <p><u>M.A.No. 845 of 2016</u></p> <p>This is an application moved by one Smt. Lovelesh Shukla, who happens to be the mother of late Cpl Anugrah Narayan Shukla, praying for her impleadment in the O.A as respondent No. 6.</p> <p>Objection to this application is stated to have been filed in the Registry by Shri Bhasker Pratap Dubey, learned counsel for the applicant only yesterday i.e. on 26.09.2016, which is not on record at present.</p> <p>Accordingly, we direct that this application (M.A.No. 845 of 2016) as well as objection filed thereto by the applicant and M.A.No. 589 of 2016 filed by respondent No. 5 Ram Abhilash Shukla for taking supplementary counter affidavit on record, be listed for orders on 16.12.2016 before the Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>