

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1**T.A. No. 178 of 2009 With M.A. No. 161, 1536 & 2226 of 2016****Sri Ram Pandey**

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>30.09.2016</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 Jaiswal, learned counsel for the respondents.</p> <p>On call of the case, Shri Yashpal Singh, learned counsel appearing for the applicant states that his name has not been shown in the cause-list.</p> <p>As prayed, list this case for orders on 20.10.2016 before appropriate the Court having jurisdiction as per roster of that date. When the case is next listed, name of Shri Yashpal Singh be also shown as counsel for the applicant.</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

T.A. No. 172 of 2010 With M.A. No. 1446 of 2016

Kapil Dev Mishra

Applicant

By Legal Practitioner for Applicant

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.09.2016</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 Mrs Anju Singh, learned counsel for the respondents along with Major Soma John, Departmental representative.</p> <p>On call of the case, a person in civil dress claiming himself to be the applicant Kapil Dev Mishra appeared. He states that he wants to engage another counsel, for which he prays for six weeks' time. Time prayed for is granted. Shri Rohit Kumar, appointed as amicus curiae in this case under the orders of the Court, shall withdraw from the case and henceforth his name shall not be shown as counsel for the applicant.</p> <p>List this case for orders on 03.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

Court No. 1

T.A. No. 6 of 2016

Uma Shanker Bhartiya
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>30.09.2016</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 Anurag Mishra, learned counsel for the respondents alongwith Major Soma John, Departmental representative.</p> <p>This case was transferred to this Tribunal from Hon'ble Allahabad High Court and has been registered as Transfer Application No. 6 of 2016.</p> <p>Notice issued to the applicant appears to have been served. On call of the case, Shri R.Chandra, Advocate appeared on behalf of the applicant. He states that he will be filing power on behalf of the applicant in the Registry during the course of the day. If his power is filed, let his name be shown as counsel for the applicant when the case is next listed.</p> <p>As prayed, list this case for orders on 04.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

Court No. 1

O.A. No. 265 of 2015

Ninua Ram
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri PK Shukla, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents along with Major Soma John, Departmental representative.</p> <p style="text-align: center;">As prayed, list this again for further hearing on 30.11.2016. The respondents shall place before the Court the original records available with them on the said date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

Court No. 1

O.A. No. 205 of 2015

Dashartha

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>30.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Parijaat Belaura, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Major Soma John, Departmental representative.</p> <p style="text-align: center;">As prayed, list this case for hearing on 04.01.2017 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. 309 of 2015 With M.A. No. 1286 of 2016

Sukh Nidhan Lal

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>30.09.2016</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 Mrs Deepti P Bajpai, learned counsel for the respondents along with Major Soma John, Departmental representative.</p> <p>As prayed, list this case for hearing on 05.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) (Justice Abdul Mateen) Member (A) 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. 239 of 2015

Santosh Kumar 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

30.09.2016

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

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

O.A. No. 239 of 2015, Santosh Kumar Tiwari vs. Union of India and others is allowed.

For order see our judgment passed on separate sheets.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

LNS

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1624 of 2016 Inre O.A. No. Nil 2016

Mange Ram

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

**Notes of the
Registry**

Orders of the Tribunal

30.09.2016

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

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

Present : Shri K.K. Singh Bisht holding brief of Shri Somesh Tripathi, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents.

Learned counsel for the respondents prays for and is granted further two weeks' and no more time to file objection on application for condonation of delay.

List this case for orders on **28.11.2016** before court concerned having jurisdiction as per roster of that day.

(Lt Gen Gyan Bhushan)
Member (A)

SB

(Justice Abdul Mateen)
Member (J)

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2215 of 2016 with M.A. No. 2216 of 2016 Inre O.A. No. 16 of 2010

Brij Kishore

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>30.09.2016</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 Manoj Kumar Singh, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p><u>M.A. No. 2215 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 17.09..2015, passed by this Court in O.A. No. 16 of 2010.</p> <p>As per stamp reporter's report, there is delay of 09 months and 08 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Admittedly the application for leave to appeal is barred by limitation. The Hon'ble Supreme Court in the case of Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC has held that the law of limitation undoubtedly binds everybody including the Government. 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.</p> <p>In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.</p>

M.A. No 2216 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. 2230 of 2016 Inre O.A. No. 220 of 2014

Narayan Datt Joshi

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>30.09.2016</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><u>M.A. No. 2230 of 2016</u></p> <p>This is an application for recall of order dated 14.09.2016 passed by this Court whereby O.A. No 220 of 2014 alongwith M.A. No 1106 of 2016 was dismissed for non prosecution. The reasons given in affidavit, filed in support of application for recall of order, seem to be genuine.</p> <p>The order dated 14.09.2016 is recalled and O.A. No 220 of 2014 alongwith M.A. 1106 of 2016 is restored to 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)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Dy. No. 2069 of 2016 with M.A. No. 2203 of 2016 Inre O.A. No. Nil of 2016

Raji Hasan

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>30.09.2016</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 Bachchan Singh, learned counsel for the applicant and Shri Virendra Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 2203 of 2016</u></p> <p>Objection on maintainability of Original Application filed by learned counsel for the respondents is taken on record. Copy of this application has been served upon learned counsel for the applicant on 27.09.2016.</p> <p>Learned counsel for the applicant prays for and is granted a week's time to file replication for the same.</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)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 48 of 2013 with M.A. No. 1914 of 2016 Inre O.A. No. 99 of 2012

Vijay Kant Bajpai

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>30.09.2016</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 Rajiv Pandey, learned counsel for the respondents alongwith Shri D.C. Lohumi, counsel for State Bank of India.</p> <p>Heard learned counsel for the parties and also gone through execution application which has been filed by the applicant for non compliance of judgment and order dated 26.03.2012 passed in O.A. No. 99 of 2012.</p> <p>Affidavit of compliance has been filed by learned counsel for the respondents vide M.A. No. 1914 of 2016 whereby it has been stated that in compliance of aforesaid judgment necessary PPO dated 24.05.2016 has been issued to the applicant. There are three applicants in the present execution application, Vijay Kant Bajpai, Udai Bhan Tiwari and Baleshwar Yadav and PPOs have been issued to all of them.</p> <p>Since necessary PPOs have been issued to all the applicants with respect to grant of pension of Hony Nb Sub, in compliance of aforesaid judgment, 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. 19 of 2016 Inre O.A. No. 64 of 2014

Ram Prasad

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.09.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant appears and states that in pursuance of judgment and order dated 03.06.2015 passed in O.A. No 64 of 2014, necessary PPO has been issued and payment has been made to the applicant.</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. 80 of 2016 Inre O.A. No. 85 of 2013

Basant Ballabh Belwal

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>30.09.2016</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 Sajeet Kumar Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the respondents, list this case for orders on 03.10.2016 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. 2066 of 2015 with M.A. No. 1257 of 2016 & M.A. No. 2220 of 2016

Chandra 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>30.09.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant at some length on the application for condonation of delay.</p> <p>Learned counsel for the applicant submits that since the applicant was invalided out from service in the year 1998 and in application for condonation of delay he has explained the delay from the year 2015 only, he wants to clarify the reasons for delay for the period from 1998 to 2015 for which he prays for and is granted two weeks' time to file better affidavit.</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)</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. 745 of 2016 with M.A. No. 1730 of 2016

Munisha 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>30.09.2016</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 Shri Anurag Mishra, learned counsel for the respondents.</p> <p><u>M.A. No. 1730 of 2016</u></p> <p>Objection on application for condonation of delay filed by learned counsel for the respondents is taken on record. Copy of this application has been served upon learned counsel for the applicant today in the Court itself.</p> <p>Learned counsel for the applicant prays for and is granted three weeks' time to file replication for the same.</p> <p>List this case for orders on 20.12.2016 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. 1197 of 2016 with M.A. No. 2219 of 2016

Sobh 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>30.09.2016</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, holding brief of Shri J.N. Mishra, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents.</p> <p>On call of the case, Shri P.K. Shukla states that Shri J.N. Mishra is out of station and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 21.12.2016 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. 1601 of 2016 with M.A. No. 2227 of 2016

Smt. Asha 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>30.09.2016</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 Ramesh Chandra Shukla, learned counsel for the respondents.</p> <p><u>M.A. No. 2227 of 2016</u></p> <p>Objection on application for condonation of delay filed by learned counsel for the respondents is taken on record. Copy of objection has been served upon learned counsel for the applicant 28.09.2016.</p> <p><u>M.A. No. 1601 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application by means of which the applicant, wife of late Santosh Kumar Singh, has prayed for grant of family pension. Her husband was declared deserter and had died in the year 2008 in road accident. The applicant has been approaching authority concerned for grant of family pension but the same has not been granted to her, hence this Original Application has been filed. As per office report, there is delay of 07 years, 10 months and 15 days in filing the Original Application.</p> <p>We have gone through both the applications. The reasons given in application for condonation of delay seem to be genuine. Accordingly, the application for condonation of delay is allowed and delay is condoned. Objections raised by the respondents are hereby rejected.</p> <p>Let the case be registered.</p> <p>List this case for admission 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>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 78 of 2015

Surendra Dutt Nautiyal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><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>O.A. No. 78 of 2015, Surendra Dutt Nautiyal 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>RPM</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2212 of 2016 Inre O.A. No. Nil 2016

Smt. Maha Kali

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>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. Srivastava, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>M.A. No. 2212 of 2016</u></p> <p>This is an application for condonation of delay in filing the Original Application which relates to grant of family pension to the applicant who happens to be wife of army person.</p> <p>As per office report, there is delay of 08 years, 01 month & 25 days in filing the original application. Copy of this application has been served on learned counsel for the respondents on 27.09.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection against the application for condonation of delay.</p> <p>List this case for orders on 22.12.2016 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

O.A. No. 206 of 2016

Dhan 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 : Shri D.S. Tiwari, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>Heard learned counsel for the applicant on this Original Application which has been filed with the prayer that this Court should direct the respondents for rounding off of disability pension to the applicant from 20% to 50% for which he is entitled as per law laid down by Hon'ble The Apex Court and policy letter dated 31.01.2001.</p> <p>Accordingly, we admit this Original Application.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit. Rejoinder affidavit may be filed by learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case for orders on 23.12.2016 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

EX.A. No. 61 of 2013 with M.A. No. 2225 of 2016 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>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 : Mrs. Kavita Mishra, holding brief of Shri Parijaat Belaura, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents.</p> <p><u>M.A. No. 2225 of 2016</u></p> <p>Compliance report filed by learned counsel for the respondents in pursuance to judgment and order dated 10.01.2012 passed in O.A. No. 420 of 2011 is taken on record.</p> <p>PPO has been issued on 19.05.2016 and copy of the PPO has been served upon learned counsel for the applicant today in the court itself.</p> <p>Since PPO has been issued and judgment under execution has been complied with, this Execution Application No. 61 of 2013 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>SB</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 71 of 2013 with M.A. No. 2208 of 2016 Inre O.A. No. 440 of 2012

Bashisht Narayan

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 : None for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 2208 of 2016</u></p> <p>Compliance report filed by learned counsel for the respondents in pursuance to judgment and order dated 18.10.2012 passed in O.A. No. 440 of 2012 is taken on record.</p> <p>PPO has been issued to the applicant on 07.03.2016. Although there is endorsement that copy of PPO will be served upon learned counsel for the applicant but the same has not been served upon him because he did not attend the Court on past two dates.</p> <p>Since PPO has been issued and judgment under execution has been complied with, this Execution Application No. 71 of 2013 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>SB</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 113 of 2016 with M.A. No. 1911 of 2016

Smt. Bittan Devi

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.09.2016</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 Sidharth Dhaon, learned counsel for the respondents.</p> <p><u>M.A. No. 113 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which is delayed by 12 years, 04 months and 11 days. Matter pertains to grant of special family pension which has been claimed by the wife of army personal namely late Rajesh Kumar. The reasons given in application for condonation of delay seem to be genuine.</p> <p>Objection has been filed by the respondents against application for condonation of delay vide M.A. No. 621 of 2016.</p> <p>It is submitted by learned counsel for the applicant that it is well settled law by Hon'ble The Apex Court as well as policy letter dated 31.01.2011 that matter with respect to grant of family pension is recurring cause of action and are to be taken into account provided the reasons given therein are sufficient. We find that reasons given in the application for condonation of delay seem to be genuine.</p> <p>Accordingly, M.A. No. 113 of 2016 is allowed and delay in filing the O.A. is condoned. Objection raised by learned counsel for the respondents are rejected.</p> <p>Let the case be registered.</p> <p>List this case for admission on 22.12.2016 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. 387 of 2016 with M.A. No. 1635 of 2016 Inre O.A. No. Nil 2016

Puran Chander

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. Singh Bisht, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant appears and states that he be granted further four weeks' time to file replication to the objection on application for condonation of delay filed by the respondents.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 23.12.2016 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. 833 of 2016 with M.A. No. 1740 of 2016

Ganga 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 : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant appears and states that he be granted four weeks' time to file replication to the objection on application for condonation of delay filed by the respondents.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 02.01.2017 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>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 976 of 2016 Inre O.A. No. Nil of 2016

Bhaju Ram 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>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 V.P. Pandey, learned counsel for the applicant and Shri V.P.S. Vats, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant appears and states that he has received copy of objection on application for condonation of delay today in the Court itself. He prays for and is granted two weeks' time to file replication for the same.</p> <p>List this case for orders on 06.12.2016 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. 1096 of 2016 with M.A. No. 1097 of 2016
Inre M.A. No. 1026 of 2015 & M.A No. 1570 of 2015**

Guddu Lal

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>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 O.P. Dutt Tiwari, learned counsel for the applicant and Dr. Chet Narain Singh, for the respondents.</p> <p>From perusal of order sheets, it comes out that O.A. was dismissed twice and has been restored. Learned counsel for the respondents has filed objection on application for condonation of delay and copy has been served upon learned counsel for the applicant.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file replication for the same.</p> <p>List this case for orders on 14.12.2016 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. 1927 of 2016 Inre O.A. No. 131 of 2013

Ram Niwas Singh Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><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 : None for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant. It also comes out from the order sheet dated 01.09.2016 that on that date too, learned counsel for the applicant was not present. In this case PPO has been issued and compliance report in pursuance to judgment and order dated 25.04.2013 passed in O.A. No 131 of 2013 has been filed by the respondents vide M.A. No 1927 of 2016.</p> <p>No further orders are required to be passed in this compliance application. It shall be consigned to record.</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. 1946 of 2016 with M.A. No. 2192 of 2016 Inre O.A. No. Nil of 2016

Harbans Singh Through Manmeet 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 : The applicant Manmeet Singh in person and Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p><u>M.A. No. 2192 of 2016</u></p> <p>Objection on application for condonation of delay filed by learned counsel for the respondents is taken on record. Copy of objection has been served upon applicant Manmeet Singh today in the Court itself. Harbans Singh, ex serviceman who had retired from Navy and as per records is mentally retarded, has been approaching this Court through his son Manmeet Singh.</p> <p>Manmeet Singh prays for and is granted two weeks' time to file replication to objection against application for condonation of delay.</p> <p>List this case for orders on 21.12.2016 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. 1601 of 2016

Smt. Asha 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 Shailendra Kumar Singh, learned counsel for the applicant and Shri Ramesh Chandra Shukla, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents states that objection against the application for condonation of delay is ready and he be granted two day's time to file the same in the Registry.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 30.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2198 of 2016 Inre O.A. No. 219 of 2014

Chandra Bhan Singh & another
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 Pankaj Singh Chauhan, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p><u>M.A. No. 2198 of 2016</u></p> <p>This is an application for recall of order dated 24.08.2016 passed by this court by means of which Original Application No. 219 of 2014 was dismissed for non prosecution.</p> <p>The reasons given in Para 4 of affidavit filed in support of the application for restoration seem to be genuine.</p> <p>Accordingly, the order dated 24.08.2016 is recalled and O.A. No. 219 of 2014 is restored to its original number.</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

O.A. No. 205 of 2016

Pan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>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 Parijaat Belaura, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>With the consent of learned counsel for the parties we proceed to decide this Original Application at the admission stage itself.</p> <p>This Original Application has been filed by the applicant to the effect that the applicant entered into service in fit medical condition. He was discharged from service after completion of tenure of 26 years in low medical category. His claim for grant of disability pension was rejected to which he preferred First Appeal before the authority concerned which was also rejected. Then he preferred Second Appeal duly rectified alongwith Appendix 'D' and 'E' on 03.10.2015 as advised by the competent authority. The applicant has prayed in his O.A., by means of prayer No. 1, that directions be issued to the respondents to dispose of his Second Appeal within stipulated time in view of law laid down and in view of Hon'ble The Apex Court judgment in the case of Sukhvinder Singh vs. Union of India & Others.</p> <p>Learned counsel for the applicant submits that date of second appeal i.e. 24.08.2014, mentioned in Prayer Clause No. 1 of the O.A. is typographical error and it should be read as 03.10.2015 as the same was rectified by submitting Appendices D and E on 03.10.2015. Learned counsel for the applicant confines his prayer to the effect that directions be issued to respondents to decide his Second appeal dated 03.10.2015 which is pending with Respondent No 3.</p> <p>Respondents are directed to decide Second Appeal dated 03.10.2015 preferred by the applicant by a reasoned and speaking order expeditiously say within a period of three months from the date of production of certified copy of this order and communicate the decision to the applicant.</p> <p>With these directions, O.A. No. 205 of 2016 is disposed of finally.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 3 of 2016 with M.A. No. 1804 of 2016 & M.A. No. 1805 of 2016

Vinod Kumar Tewari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<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 applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 1804 of 2016</u></p> <p>This amendment application has been moved by the applicant with the prayer for amending ground as well as prayer clause in the Writ Petition.</p> <p>We find that if the amendment application is allowed, it will not change the nature of the claim so made for the reasons that the applicant had applied for grant of disability pension for which Writ Petition has already been filed. The applicant had further prayed for rounding off of the disability pension in view of Govt. order dated 31.01.2001. Learned counsel for the respondents has no objection.</p> <p>Accordingly, this amendment application is allowed.</p> <p>Let necessary amendment be incorporated by learned counsel for the applicant within two weeks.</p> <p>List this case for admission on 06.12.2016 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

**DY. No. 2005 of 2016 with M.A. No. 2102 of 2016 & M.A. No. 2201 of 2016 Inre
O.A. No. Nil of 2016**

Jitendra 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.B. Singh, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant at some length.</p> <p>Learned counsel for the applicant states that he intends to add some facts in the petition for which he wants three weeks' time to move amendment application.</p> <p>Time prayed for is granted.</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>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 162 of 2016 Inre O.A. No. 07 of 2012

Virendra 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 P.K. Shukla, learned counsel for the applicant and Mrs. Anju Singh, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative.</p> <p>In pursuance to our order dated 19.08.2016, a person from PCDA (P) Allahabad, named Shri Virendra Singh, Senior Accounts Officer is present. He informs the court that PPO issued to the applicant is for Rs.. 5147/- only. Fresh Corrigendum PPO shall be issued to the applicant on receipt of Govt. order as per Court judgment dated 09.01.2012 for the rank of Hony Nb Sub.</p> <p>The Departmental Representative, on the basis of instructions, states that matter with respect to grant of enhanced pension of Hony Nnb Sub is pending for consideration before AG PS-4 (Legal), Integrated HQ of MoD (Army). It is surprising that judgment was passed on 09.01.2012 but it has not yet been complied with and the matter is still laying with AG PS-4 (Legal).</p> <p>Accordingly, we direct to Registrar this Court to issue notice to Dir PS-4 (Legal), Integrated HQ of MoD (Army) through Adjutant General, Adjutant General's Branch, Integrated HQ of MoD (Army), New Delhi to appear before the court alongwith the record of the applicant and inform as to why aforesaid judgment has not yet been implemented and also to show cause for the delay and why heavy cost not be imposed.</p> <p>List this case for orders on 25.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>It is clarified that if the aforesaid judgment and order is complied with by the date fixed, Dir PS-4 (Legal), Integrated HQ of MoD (Army) need not to appear.</p> <p>Further appearance of representative of PCDA (Pension), Allahabad is not required until called for.</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. 174 of 2016 Inre O.A. No. 136 of 2013

Mahesh Chandra

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

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 applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this execution application which has been filed by the applicant for non implementation of judgment and order dated 14.10.2015 passed in O.A. No 181 of 2013. Copy of this execution application has been served upon learned counsel for the respondents who prays for and is granted six weeks' time to file compliance report.</p> <p>List this case for orders on 14.12.2016 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

EX.A. No. 175 of 2016 Inre O.A. No. 167 of 2013

Ravinder 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 P.K. Shukla, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>Heard learned counsel for the parties on this execution application which has been filed by the applicant for non implementation of judgment and order dated 14.10.2015 passed in O.A. No 170 of 2013. Copy of this execution application has been served upon learned counsel for the respondents.</p> <p>The Departmental Representative prays for and is granted six weeks' time to file compliance report.</p> <p>List this case for orders on 14.12.2016 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. 155 of 2016 with M.A. No. 1347 of 2016

Prathi @ Prithvi Raj 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 O.P. Kushwaha, holding brief of Shri Ashok Kumar, learned counsel for the applicant and Dr. Shailendra Sharma Atal, for the respondents.</p> <p><u>M.A. No. 1347 of 2016</u></p> <p>Objection against application for condonation of delay, filed by learned counsel for the respondents is taken on record.</p> <p>On call of the case, Shri O.P. Kushwaha states that Shri Ashok Kumar has not come to the court today and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 19.12.2016 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. 691 of 2016 with M.A. No. 1644 of 2016

Pramod 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>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 Dr. Chet Narain Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this Original Application which has been filed with the prayer for grant of disability pension. Disability pension claim of the applicant was rejected by the respondents vide order dated 14.10.2014 and the applicant was advised to prefer First Appeal before Appellate Committee.</p> <p>It is quite clear from Para 6 of the Original Application that the applicant has not preferred any appeal. Although wife of the applicant has given representation to the authority concerned but he has not exhausted alternate remedy by preferring First and Second Appeal which is mandatory under Section 21 of the Armed Forces Tribunal Act, 2007.</p> <p>Accordingly, this Application is dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1252 of 2016 with M.A. No. 1764 of 2016

Chandra Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.09.2016</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, holding brief of Shri K.K. Singh Bisht, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, Shir V.P. Pandey appears and states that Shri K.K. Singh Bisht has not come to the Court today due to some personal work and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 20.12.2016 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. 1728 of 2016 with M.A. No. 2202 of 2016

Abhay 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 K.K. Mishra, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents.</p> <p><u>M.A. No. 2202 of 2016</u></p> <p>Objection against the application for condonation of delay, filed by learned counsel for the respondents is taken on record.</p> <p>On call of the case, learned counsel for the applicant appears and states that he has received copy of objection against the application for condonation of delay, filed by the respondents. He prays for and is granted ten days time to file replication of the same.</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>ukt</p>