

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

T. A. No. 67 of 2022

Sep/MT Maiyoor Singh

Applicant

By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.12.2024</u></p> <p><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></p> <p><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Judgment pronounced.</p> <p>2. T.A. No. 67 of 2022 is dismissed.</p> <p>3. For orders, see our judgment and order passed on separate sheets.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Anil Kumar) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 1)

Ex.A. No. 6 of 2023 Inre: O.A. No. 100 of 2019

Ex. Rect. Rahul Kumar

Applicant

By Legal Practitioner for the Applicant : Shri Sudhir Kumar Singh, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. List revised.</div><div>2. On the case being taken up for hearing Shri Sudhir Kumar Singh, Ld. Counsel for the applicant, through virtual mode, and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</div><div>3. This execution case is pending before the Bench for implementation of order dated 11.11.2021. After availing several opportunities, compliance affidavit has not been filed.</div><div>4. Respondents are not in position to explain the cause of delay in implementation of the order of this Tribunal.</div><div>5. Learned counsel for the respondents submits that Writ Petition is being filed against the order of this Tribunal before the Hon'ble Apex Court. He prays for and is granted four weeks further time on payment of additional cost of Rs.20,000/- to file compliance affidavit.</div><div>6. ADG PS, IHQ of MoD (Army), New Delhi is directed to be present before this Bench through virtual mode on next date of listing to explain cause of delay in implementation of the order of this Tribunal.</div><div>7. Respondents are also directed to file affidavit of responsible officer regarding cause of delay in implementation of the order. Respondents are further directed to deposit all the cost due against them till next date of listing.</div><div>8. List on 19.02.2025.</div><div>9. Let a copy of the order be provided to learned counsel for the respondents/AFT Legal Cell for compliance.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div></div>
	SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 2)
Ex.A. No. 89 of 2023 Inre: O.A. No. 494 of 2022

Ex NK Laxman Saini

Applicant

By Legal Practitioner for the Applicant : Shri V P Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri S.N. Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon’ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. List revised.</div><div>2. On the case being taken up for hearing Shri V P Pandey, Ld. Counsel for the applicant and Shri S. N. Pandey, Ld. Counsel for the respondents, through virtual mode, are present.</div><div>3. Compliance affidavit has not been filed.</div><div>4. Learned counsel for the respondents submits that Writ Petition has been filed against the order of this Tribunal before the Hon’ble Apex Court. He prays for and is granted four weeks further time on payment of additional cost of Rs.15,000/- to file compliance affidavit.</div><div>5. Respondents are further directed to deposit all the cost due against them till next date of listing.</div><div>6. It is submitted on behalf of the respondents that cost of Rs. 10,000/- has already been deposited. Cost so deposited shall be remitted to the applicant.</div><div>7. Respondents are also directed to file present status of this execution case till next date of listing.</div><div>8. List on 28.03.2025.</div><div>9. Let a copy of the order be provided to learned counsel for the respondents/AFT Legal Cell for compliance.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>SB/-</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 3, 4 & 5)

Ex. A. No. 128 of 2023 Inre: O.A. No. 206 of 2022 Alongwith Ex.A. No. 422/2024,
423/2024, 424/2024 & 425/2024 and M.A. No. 1317 of 2024

Ex Sub Maj Laxman Singh

Applicant

By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Ms. Deepti Prasad Bajpai, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><u>10.12.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></div> <div><div>1. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents, through virtual mode, are present. Maj Uma Yadav, Departmental Representative for the respondents is also present.</div><div><u>Ex. A. No. 128 of 2023</u></div><div>2. This execution case is pending before the Bench for implementation of order dated 09.12.2022 passed in O.A. No. 206 of 2022.</div><div>3. In this execution case, cost has been imposed on the respondents for non implementation of the order of this Tribunal on different dates which has not been deposited by the respondents and for non-depositing of cost by the respondents in implementation of the order under execution, applicant has filed four execution applications. Details of these four execution applications filed by the applicant are as under :-<div><div>(a) Ex. No. 424 of 2024 for the cost of Rs. 5000/- imposed on the respondents on 20.11.2023 which has been deposited by the respondents in the Registry on 05.11.2024. Cost so deposited, shall be remitted to the applicant. Ex No. 424 of 2024 has now been converted into Misc. Application and allotted M.A. No. 1357/2024 and the same stands disposed of since the cost has been deposited by the respondents.</div><div>(b) Ex. No. 422 of 2024 for the cost of Rs. 5000/- imposed on the respondents on 10.01.2024 which has not been deposited by the respondents. This Ex No. 422 of 2024 has now been converted into Misc. Application and allotted M.A. No. 1355/2024 and the same is being listed on 13.01.2025 together with original Ex.A. No. 128 of 2023. Respondents are directed to deposit the cost till next date of</div></div></div></div>

	<p>listing.</p> <p>(c) Ex. No. 425 of 2024 for the cost of Rs. 5000/- imposed on the respondents on 30.05.2024 which has not been deposited by the respondents. This Ex No. 425 of 2024 has now been converted into Misc. Application and allotted M.A. No. 1358/2024 and the same is being listed on 13.01.2025 together with original Ex.A. No. 128 of 2023. Respondents are directed to deposit the cost till next date of listing.</p> <p>(d) Ex. No. 423 of 2024 for the cost of Rs. 10,000/- imposed on the respondents on 23.09.2024 to file compliance affidavit and cost of Rs. 5000/- to file affidavit of responsible officer which has not been deposited by the respondents. This Ex No. 423 of 2024 has now been converted into Misc. Application and allotted M.A. No. 1356/2024 and the same is being listed on 13.01.2025 together with Ex. A. No. 128 of 2023. In this execution application, conditional cost of Rs. 5000/- imposed on respondents stands excused/exempted since the affidavit of responsible officer, i.e. Brig T Suresh, OIC Signals Records has been filed before this Tribunal on 24.10.2024. Thus, only Rs. 10,000/- is due against the respondents. Respondents are directed to deposit the cost till next date of listing.</p> <p>4. M.A. No. 1317 of 2024 has been filed by the applicant for compliance of the order dated 19.11.2024 passed by the Hon'ble High Court in Writ Petition of the applicant to decide pending execution application No. 128/2023 of the applicant preferably with a period of four months and implementation of the order is under process by the respondents.</p> <p>5. Learned counsel for the respondents prays for and is granted four weeks further time on payment of additional cost of Rs. 10,000/- to file compliance affidavit/stay order, if any.</p> <p>6. Respondents are further directed to file affidavit regarding present status of this execution case till next date of listing.</p> <p>7. Respondents are also directed to deposit all the cost due against them till next date of listing positively.</p> <p>8. Since, Ex. A Nos. 422/2024, 423/2024, 424/2024 & 425/2024 have been converted/allotted M.A. No. 1355/2024, 1356/2024, 1357/2024 & 1358/2024 respectively, all four execution applications stands disposed of accordingly.</p> <p>9. Since, cost in Ex.A. No. 424/2024 (now M.A. No. 1357/2024) has been deposited by the respondents, this Misc. Application also stands disposed of.</p> <p>10. Learned counsel for the applicant is advised not to file such execution applications only for non-depositing of cost imposed on the respondents for non-compliance of the order, as such execution applications create confusion while dictating the order.</p>
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	<p>11. Registry is directed to list M.A. No. 1317/2024, M.A. No. 1355/2024, 1356/2024 & 1358/2024, Inre Ex. A. No. 128/2023, Inre O.A. No. 206 of 2022 together in one case on 13.01.2025 and update computer records accordingly.</p>
	<div><div><p>(Vice Admiral Atul Kumar Jain) Member (A)</p></div><div><p>(Justice Anil Kumar) Member (J)</p></div></div> <p>SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 6)

Ex.A. No. 179 of 2023 Inre: O.A. No. 383 of 2022

Ex. Sgt. Santosh Kumar

By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Shri J N Mishra, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri J N Mishra, Ld. Counsel for the respondents are present. Officer (Sqn Ldr) from DAV Legal Cell, New Delhi is also present through virtual mode.</div><div>2. Compliance affidavit has not been filed.</div><div>3. It is submitted on behalf of the respondents that Writ Petition has been filed against the order of this Tribunal before the Hon'ble High Court in which notice has been issued but there is no stay order of the Hon'ble High Court.</div><div>4. Learned counsel for the respondents prays for and is granted four weeks further time on payment of additional cost of Rs.10,000/- to file compliance affidavit.</div><div>5. Respondents are further directed to deposit all the cost due against them till next date of listing.</div><div>6. It is submitted on behalf of the respondents that cost of Rs. 10,000/- has already been deposited. Cost so deposited shall be remitted to the applicant.</div><div>7. Respondents are also directed to file progress report of this execution case till next date of listing.</div><div>8. List on 28.03.2025.</div><div>9. Let a copy of the order be provided to learned counsel for the respondents/AFT Legal Cell for compliance.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div></div>

SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 7)

Ex. A. No. 317 of 2024 Inre: O.A. No. 609 of 2023

Sgt. Vijay Vikrant Somvanshi

Applicant

By Legal Practitioner for the Applicant : Shri Rahul Pal, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri J N Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>10.12.2024</div><div>Hon’ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. On the case being taken up for hearing Shri Rahul Pal, Ld. Counsel for the applicant and Shri J N Mishra, Ld. Counsel for the respondents are present.</div><div>2. Compliance affidavit has not been filed.</div><div>3. Learned counsel for the respondents prays for and is granted four weeks further time, as last opportunity, to file compliance affidavit and affidavit regarding present status of this execution case.</div><div>4. List on 01.04.2025.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div></div>

SB/-

Form No. 4
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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 8)

Ex. A. No. 318 of 2024 Inre: O.A. No. 758 of 2023

Ex. Nk. Mohan Singh

Applicant

By Legal Practitioner for the Applicant : Shri Rahul Pal, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Ms. Deepti P Bajpai, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.12.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Rahul Pal, Ld. Counsel for the applicant and Ms. Deepti P Bajpai, Ld. Counsel for the respondents, through virtual mode, are present.</p> <p>2. Compliance affidavit has not been filed.</p> <p>3. Learned counsel for the respondents prays for and is granted four weeks further time, as last opportunity, to file compliance affidavit and affidavit regarding present status of this execution case.</p> <p>4. List on 01.04.2025.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div data-bbox="388 1604 821 1666" style="text-align: center;"> (Vice Admiral Atul Kumar Jain) Member (A) </div> <div data-bbox="1071 1604 1373 1666" style="text-align: center;"> (Justice Anil Kumar) Member (J) </div> </div> <p>SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 9)

Ex.A. No. 319 of 2024 Inre O.A. No. 536 of 2023

Ex POWTR Sandeep KumarApplicant
By Legal Practitioner for the Applicant : Shri Dhiraj Kumar, Advocate
Shri Rahul Pal, Advocate

Versus

Union of India & OthersRespondents
By Legal Practitioner for Respondents : Shri Rajiv Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024 Hon’ble Mr. Justice Anil Kumar, Member (J) Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div><div><div>1. On the case being taken up for hearing Shri Rahul Pal, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</div><div>2. Compliance affidavit has not been filed.</div><div>3. Learned counsel for the respondents prays for and is granted four weeks further time, as last opportunity, to file compliance affidavit and affidavit regarding present status of this execution case.</div><div>4. List on 01.04.2025.</div><div>5. Let a copy of the order be provided to learned counsel for the respondents/AFT Legal Cell for compliance.</div></div><div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div><div>SB/-</div></div>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 10)

Ex.A. No. 327 of 2024 Inre O.A. No. 1082 of 2023

Ex Hav Shailesh Kumar RayApplicant
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate
Shri Saurabh Yadav, Advocate

Versus

Union of India & OthersRespondents
By Legal Practitioner for Respondents : Shri R. C. Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri R. C. Shukla, Ld. Counsel for the respondents are present.</div><div>2. Compliance affidavit has not been filed.</div><div>3. Learned counsel for the respondents prays for and is granted four weeks further time, as last opportunity, to file compliance affidavit and affidavit regarding present status of this execution case.</div><div>4. List on 02.04.2025.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>SB/-</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 11)

Ex.A. No. 328 of 2024 Inre : O.A. No. 572 of 2023

Ex L/NK Ranvir Singh

Applicant

By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon’ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, through virtual mode, are present.</div><div>2. Compliance affidavit has not been filed.</div><div>3. Learned counsel for the respondents prays for and is granted four weeks further time, as last opportunity, to file compliance affidavit and affidavit regarding present status of this execution case.</div><div>4. List on 02.04.2025.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div> <div>SB/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No.12)

Ex. A. No. 329 of 2024 Inre: O.A. No. 726 of 2023

Ex NK Satya Prakash

Applicant

By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Ms. Prerna Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon’ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents, through virtual mode, are present.</div><div>2. Compliance affidavit has not been filed.</div><div>3. Learned counsel for the respondents prays for and is granted four weeks further time, as last opportunity, to file compliance affidavit and affidavit regarding present status of this execution case.</div><div>4. List on 03.04.2025.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div> <div>SB/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 13)

Ex.A. No. 332 of 2024 Inre: O.A. No. 397 of 2023

Ex JWO Md. Islam Ansari

Applicant

By Legal Practitioner for the Applicant : Shri R Chandra, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.12.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>2. Compliance affidavit has not been filed.</p> <p>3. Learned counsel for the respondents prays for and is granted four weeks further time, as last opportunity, to file compliance affidavit and affidavit regarding present status of this execution case.</p> <p>4. List on 03.04.2025.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div data-bbox="389 1602 823 1666" style="text-align: center;"> (Vice Admiral Atul Kumar Jain) Member (A) </div> <div data-bbox="1060 1602 1349 1666" style="text-align: center;"> (Justice Anil Kumar) Member (J) </div> </div> <p>SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 14)

Ex.A. No. 356 of 2024 Inre: O.A. No. 799 of 2021

Ex NK Satyendra Narayan DubeyApplicant
By Legal Practitioner for the Applicant : Col. A.K. Srivastava (Retd), Advocate
Ms. Hemlata, Advocate
Shri Amrendu Srivastava, Advocate

Versus

Union of India & OthersRespondents
By Legal Practitioner for Respondents : Shri Amit Jaiswal , Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon’ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. On the case being taken up for hearing Col. A.K. Srivastava (Retd), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present through virtual mode.</div><div>2. Compliance affidavit has not been filed.</div><div>3. Learned counsel for the respondents prays for and is granted four weeks further time, as last opportunity, to file compliance affidavit and affidavit regarding present status of this execution case.</div><div>4. List on 04.04.2025.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>SB/-</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 15)

O.A. No. 768 of 2023

Ex Sub Maj Vibhishan Yadav
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Versus

Union of India & Others
By Legal Practitioner for Respondents : Ms. Preeti Mala , Advocate
Shri Ankit Kumar Singh, Advocate

Applicant
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. List revised.</div><div>2. On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents No. 1 to 3 are present through virtual mode.</div><div>3. Today it is 2nd last opportunity granted to respondents No. 1 to 3 to file counter affidavit which has not been filed.</div><div>4. Conditional cost imposed on respondents has also not been deposited. Opportunity to file counter affidavit by the respondents No.1 to 3 is closed.</div><div>5. Respondents may file documents in support of their version till next date of listing.</div><div>6. List on 18.02.2025.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>SB/-</div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 16)

O.A. No. 1168 of 2023

Ex Gdr Himanshu Rajawat
By Legal Practitioner for the Applicant :

Applicant
Shri Vijay Kumar Pandey, Advocate
Shri Dheerendra Kumar Agnihotri, Advocate
Shri Vishnu Kant Awasthi, Advocate
Shri Sandeep Tripathi, Advocate
Shri Girish Tiwari, Advocate

Union of India & Others
By Legal Practitioner for Respondents :

Versus
Respondents
Shri Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon’ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. List revised.</div><div>2. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</div><div>3. Today it is 2nd last opportunity granted to the respondents to file counter affidavit which has not been filed.</div><div>4. Conditional cost of Rs. 4000/- imposed on the respondents has also not been deposited. Opportunity to file counter affidavit is closed.</div><div>5. Respondents may file documents in support of their version till next date of listing.</div><div>6. List on 19.02.2025.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>SB/-</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 17)

O.A. No. 17 of 2024

Hav Anil Kumar Vajpai

Applicant

By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate
Shri Prateek Mishra, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Asheesh Agnihotri, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon’ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Asheesh Agnihtori, Ld. Counsel for the respondents are present.</div><div>2. Counter affidavit filed on behalf of the respondents is taken on record.</div><div>3. Applicant is not inclined to file rejoinder affidavit.</div><div>4. Heard arguments.</div><div>5. The Original Application is Allowed.</div><div>6. Misc. Application(s), pending if any, shall stand disposed of.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>SB/-</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 18)

O.A. No. 124 of 2024 with M.A. No. 146 of 2024

Ex Sep /NA L Krishna Reddy
By Legal Practitioner for the Applicant : Wg. Cdr Ajit Kakkar (Retd), Advocate
Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Applicant
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. List revised.</div><div>2. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal , Ld. Counsel for the respondents are present.</div><div>3. Applicant was granted time to file reply to the objection filed by the respondents which has not been filed.</div><div>4. Opportunity to file reply is closed.</div><div>5. List for admission on 03.02.2025.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div></div>

SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 19)

O.A. No. 337 of 2024 with M.A. No. 412 of 2024

Ex Sep Harish Chandra Singh Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate
Ms. Supriya Srivastava, Advocate
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.12.2024</u> <u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. There is delay of 55 years, 09 months and 09 days in filing this Original Application. Delay condonation application has been filed by the applicant to which objection has been filed by the respondents. Reply to the objection has also been filed by the applicant.</p> <p>3. Heard learned counsel for the parties and perused the record.</p> <p>4. This Original application has been filed by the applicant for grant of War Injury Pension w.e.f. 15.08.1966.</p> <p>5. It is submitted by learned counsel for the applicant that applicant was enrolled in the Army in Para Regiment on 25.01.1964 and invalided out from service on 14.08.1966. He is getting his disability pension. It is also submitted that he has received gunshot injury during Indo-Pak War in 1965 and therefore, he is entitled for War Injury Pension. It is further submitted by learned counsel for the applicant that he has moved an application for claim of War Injury Pension in 2023 which was rejected by the respondents on the ground that War Injury Pension after a lapse of 56 years of invalidment cannot be verified as all the documents have been destroyed after the prescribed retention period.</p> <p>6. With regard to delay, submission of learned counsel for the applicant is that it is pensionary matter which is a recurring cause of action, therefore, delay in filing Original Application is not deliberate but for the reasons mentioned in the application. The applicant submitted a RTI application to the office of the PCDA (P) Prayagraj on 11.07.2023, then only, he received some of the papers annexed alongwith Original Application in support of his claim of War Injury Pension. Thus, he pleaded to condone the delay in filing this Original Application.</p> <p>7. It is submitted by the learned counsel for the respondents that applicant</p>

	<p>has failed to explain long delay of 59 years on day to day basis in view of the principle laid down by the Hon'ble Apex Court in the case of Balwant Singh vs. Jagdish Singh and Ors, reported in (2010) 8 SCC 685. The cause of delay has not been explained properly and documents pertaining to this case have been destroyed after the prescribed retention period. Besides this, the papers which have been annexed with this Original Application by the applicant in support of his claim are also not legible, hence, application is liable to be dismissed.</p> <p>8. As regards delay, it is settled in law that delay has to be explained on day to day basis. The Hon'ble Apex Court in the case of H. Dohil Constructions Company Private Limited Versus Nahar Exports Limited and Another, reported in (2015) 1 Supreme Court Cases 680, has held that <i>"the failure of respondents in not showing due diligence in filing of the appeals and the enormous time taken in the refilling can only be construed, in the absence of any valid explanation, as gross negligence and lacks in bona fide as displayed on the part of the respondents."</i> The Hon'ble Apex Court in the case of Maniben Devraj Shah Versus Municipal Corporation of Brihan Mumbai, reported in (2012) 5 Supreme Court Cases 157, has held that <i>"No doubt, sufficient cause should be construed liberally on facts without any hard and fast rule and substantive rights of parties cannot be ignored on account of delay, but a distinction must be made between delay of few days and inordinate delay causing prejudice to the other side."</i></p> <p>9. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.</p> <p>10. In view of the above case laws and the facts and circumstances of the case, explanation offered by the applicant for delay in filing Original Application is not sufficient and therefore, delay of more than 55 years in filing of Original Application is not liable to be condoned.</p> <p>11. As submitted by the respondents, documents concerning this matter have already been destroyed after the prescribed retention period.</p> <p>12. In addition to long delay in filing the Original Application, legible copies of documents in support of his claim of War Injury Pension have also not been filed by the applicant despite granting several opportunities to the applicant.</p> <p>13. In the result, we find that delay is not condonable.</p> <p>14. Accordingly, delay condonation application is rejected.</p> <p>15. Original Application being time barred is also rejected.</p> <p>16. No order as to costs.</p> <p>17. Misc. Application(s), pending if any, shall stand disposed of accordingly.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div> <p>SB/-</p>
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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 20)

O.A. No. 481 of 2024

Ex sub S Sethuraj

Applicant

By Legal Practitioner for the Applicant : Shri K P Datta, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri RKS Chauhan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.12.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri K P Datta, Ld. Counsel for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents, through virtual mode, are present.</p> <p>2. Counter affidavit filed on behalf of the respondents and rejoinder affidavit filed by the applicant is taken on record.</p> <p>3. Heard arguments.</p> <p>4. The Original Application is Partly Allowed.</p> <p>5. Misc. Application(s), pending if any, shall stand disposed of.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Anil Kumar) Member (J)</p> <p>SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 21)

O.A. No. 730 of 2024

Ex L/NK Yogendra Singh
By Legal Practitioner for the Applicant : Shri Veer Raghav Chaubey, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1.</div><div>On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</div></div> <div><div>2.</div><div>This case is listed today for hearing on admission and applicant was granted time to file essential document. Despite availing several opportunities, required document has not been filed by the applicant.</div></div> <div><div>3.</div><div>On 07.10.2024, on request of learned counsel for the applicant, last opportunity was granted to file required document with condition that in case document is not filed, this case will be dismissed in non prosecution.</div></div> <div><div>4.</div><div>In view of above, there is no sufficient ground to grant further time to file document.</div></div> <div><div>5.</div><div>It will be proper to dismiss this Original Application with liberty to the applicant to file fresh Original Application alongwith document. Accordingly, Original Application is dismissed in non-prosecution with liberty to the applicant to file a fresh, if so desires.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div> <div>SB/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 22)

O.A. No. 738 of 2024

Ex Hav Rakesh Kumar Pal

By Legal Practitioner for the Applicant : Shri R Chandra, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Ms. Preeti Mala, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1.</div><div>On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents, through virtual mode, are present.</div></div><div><div>2.</div><div>Amendment application alongwith documents filed on behalf of the applicant is taken on record.</div></div><div><div>3.</div><div>Heard on amendment application moved by the applicant and perused the record.</div></div><div><div>4.</div><div>By means of proposed amendment, applicant wants to amend the prayer clause of the Original Application which will not change the nature of the Original Application</div></div><div><div>5.</div><div>Learned counsel for the respondents has no objection.</div></div><div><div>6.</div><div>Accordingly, amendment application is allowed.</div></div><div><div>7.</div><div>Applicant is directed to carry out amendment within a week.</div></div><div><div>8.</div><div>Amendment application stands disposed of.</div></div><div><div>9.</div><div>List on 03.02.2025.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 23)

T.A. No. 71 of 2023

Smt. Richa Singh
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Applicant
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. List revised.</div><div>2. On the case being taken up for hearing Shri V P Pandey, Advocate holding brief of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</div><div>3. On the request of brief holder of learned counsel for the applicant, the case is adjourned for the day. Further last opportunity of two weeks is granted to the applicant to file supplementary rejoinder affidavit.</div><div>4. List for physical hearing on 12.02.2025.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div> <div>SB/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 24)

O.A. No. 162 of 2023

Col (TS) Vinay Kumar Dixit (Retd)
By Legal Practitioner for the Applicant : Shri Manish Kumar Rai, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Arun Kumar Sahu, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>10.12.2024</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. List revised.</div><div>2. On the case being taken up for hearing Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</div><div>3. Heard learned counsel for the parties and perused the record.</div><div>4. Learned counsel for the applicant submitted that counter affidavit filed by the respondents was taken on record on 01.10.2024 subject to payment of cost of Rs. 1000/- which has not been deposited by the respondents. It is further submitted that on 08.05.2023, time for filing counter affidavit was granted to the respondents on payment of cost of Rs. 10,000/-, that cost has also not been deposited by the respondents.</div><div>5. Learned counsel for the applicant further submits that without deposition of conditional cost, the counter affidavit filed by the respondents cannot be treated as part of the record, therefore, he has not filed rejoinder affidavit.</div><div>6. Learned counsel for the respondents submits that due to unavoidable circumstances, he could not file counter affidavit in given time.</div><div>7. We are of the view that in the interest of justice, it will be proper to grant further time of four weeks to the respondents to deposit cost and to grant two weeks time, thereafter to the applicant to file rejoinder affidavit.</div><div>8. List on 05.03.2025.</div></div><div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div><div>SB/-</div></div>

O.A. No. 478 of 2023

Versus

Notes of the Registry	Orders of the Tribunal
	<p><u>10.12.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. List revised.</p> <p>2. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>3. Intervention application filed on behalf of the AGIF for summoning complete record of the complaint case and other proceedings from the District Consumer Dispute Redressal Commission (DCDRC), Shahjahanpur (UP) has already been disposed of by this Tribunal vide order dated 27.08.2024, passed in M.A. No. 600 of 2024.</p> <p>4. List this case in physical hearing on 17.02.2025.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div data-bbox="336 1712 821 1784"> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>SB/-</p> </div> <div data-bbox="821 1712 1464 1784"> <p>(Justice Anil Kumar) Member (J)</p> </div> </div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 26)

T.A. No. 6 of 2013

Zamir Ahmed Applicant
By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chauhan, Advocate
Shri Virat Anand Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Asheesh Agnihotri, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.12.2024</u> <u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>2. Supplementary counter reply alongwith copy of documents filed on behalf of the respondents is taken on record.</p> <p>3. Learned counsel for the applicant submits that he has filed written points of argument in two parts which are available on record.</p> <p>4. Learned counsel for the respondents submits that he has also filed written points of arguments.</p> <p>5. Office is directed to trace written points of arguments filed by the respondents and place on record.</p> <p>6. Respondents are also directed to file copy of written points of arguments filed by them till next date of listing.</p> <p>7. List for hearing on 17.02.2025.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div> <p>SB/-</p>