

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

O.A. No. 685 of 2024

**Lt. Col. Chhaya Dey (Retd)** Applicant  
By Legal Practitioner for the Applicant : Shri Akanksha Gupta, Advocate  
Shri Anurag Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Ms. Anju Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b> <b><u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>1. Memo of Appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>2. Heard Shri Akanksha Gupta, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>3. This O.A. has been filed by the applicant for grant of disability element. Matter needs adjudication.</p> <p>4. Admit.</p> <p>5. Ld. Counsel for the respondents seeks and is allowed four weeks’ time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>6. List on <b>23.10.2024</b>.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar) Member (A) Member (J) UKT/-</p>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Suppl. No. 2)

O.A. No. 710 of 2024 with M.A. No. 805 of 2024

Ex.Hav. Vinod Kumar Yadav

By Legal Practitioner for the Applicant :

Shri Manoj Kumar Awasthi, Advocate

Shri Anshuman Srivastava, Advocate

Versus

Union of India & Others

By Legal Practitioner for Respondents :

Dr. Alok Kumar Mishra, Advocate

Applicant

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.07.2024</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. Memo of Appearance filed by Dr. Alok Kumar Mishra, Advocate on behalf of the respondents is taken on record.</p> <p><u>M.A. No. 805 of 2024</u></p> <p>2. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Alok Kumar Mishra, Ld. Counsel for the respondentsand perused the documents available on record.</p> <p>3. There is delay of 11 months and 21 days in filing of Original Application.</p> <p>4. Ld. Counsel for the applicant submits that the delay in filing of the application is not deliberate but of the reasons stated in affidavit filed in support of delay condonation application.</p> <p>5. Ld. Counsel for the respondents submits that delay has not been properly and satisfactorily explained on day-to-day basis.</p> <p>6. We have considered the submissions of Ld. Counsel for the parties and we find that the cause shown for the delay is sufficient. Further being pensionary matter, delay in filing O.A. is condoned. Delay condonation application stands disposed of.</p>

**O.A. No. 710 of 2024**

7. Heard learned counsel for the parties.

8. This Original Application has been filed by the applicant for grant of disability element. Matter needs adjudication.

9. Admit.,

10. By means of this Original Application, applicant has made following prayers:-

A. To issue/ pass an order or direction to the respondent No 3 to decide the application/ representation dated 17.08.2023 (Annexure No. 1).

B. To issue/pass an order or directions to the respondents to grant disability element of disability pension @ 20% from date of discharge i.e. 31.01.2023 along with 12% interest on arrear in light of Hon'ble Apex Court judgement.

C. To issue/ pass an order or directions to the respondents to grant subsequently benefit of rounding off/ broadbanding off disability pension @ 20% to 50% to the applicant from the date of discharge i.e. 31.01.2023 along with 12% interest on arears in light of Hon'ble Apex Court judgement and Government letter dated 31.01.2001.

D. To issue/ pass any other order or direction as this Hon'ble Tribunal may deem just, fit and proper under the circumstances of the case in favour of the applicant.

E. To allow this Original Application with costs.

11. Ld. Counsel for the respondents submits that first prayer of the applicant in his Original Application is to decide his representation dated 17.08.2023, hence directions be issued to respondents to decide his representation within stipulated time by a speaking and reasoned order.

12. On the other hand, learned counsel for the applicant submits that 11 months have been elapsed but till date his representation has not been decided by the respondents.

13. Keeping in view the facts and circumstances of the case, we deem it fit and proper to direct the respondents to decide pending representation of the

applicant dated 17.08.2023.

14. Accordingly, without entering into merit of the case, we hereby **dispose of** the O.A. finally with the direction to the respondents to decide the representation of the applicant dated 17.08.2023 by a speaking and reasoned order in accordance with law, if not already decided, within a period of three months from the date of receipt of copy of this order and communicate the decision to the applicant.

15. It is clarified that if the applicant is not satisfied with the decisions of the respondents, he shall be at liberty to approach this Tribunal.

16. Let a copy of this order be provided to learned counsel for the respondents free of cost for onward transmission.

(Vice Admiral Atul Kumar Jain)  
Member (A) Member (J)  
UKT/-

(Justice Anil Kumar)

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

**CA No. 1 of 2024 Inre: O.A. No. 831 of 2022**

**Ex. Sgt. Dev Raj Yadav**

Applicant

By Legal Practitioner for the Applicant : Shri S.K. Singh, Advocate  
Shri Vikas Maurya, Advocate

## Versus

## Union of India & Others

## Respondents

By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>23.07.2024</u></b>  <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <ol style="list-style-type: none"> <li>1. Heard Shri Ankur Rawat, holding brief of Shri S.K. Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</li> <li>2. Reply to objection on contempt application filed by the applicant is taken on record.</li> <li>3. List on <b>28.08.2024</b>for hearing.</li> </ol> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Atul Kumar Jain) Member (A) Member (J)</p> <p>UKT/-</p> </div> <div style="text-align: center;"> <p>(Justice Anil Kumar)</p> </div> </div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 2)

Ex-A. No.290 of 2022 Inre: O.A. No. 283 of 2021

Ex.Sub. Brajendra Singh

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri D.K. Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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. Herard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri D.KPandey, Ld. Counsel for the respondents.</div><div>2. Learned counsel for the respondents submits that cost of Rs. 8,000/- has been deposited. Cost so deposited shall be remitted to the applicant. Learned counsel for the respondents also submits that writ petition against the order of Tribunal has been filed before Hon'ble High Court which has not yet been listed.</div><div>3. Compliance report has not been filed. Affidavit of status report has also not been filed. Learned counsel for the respondents prays for further four weeks' time to file compliance report.</div><div>4. As prayed, four weeks further time is granted to file compliance report on the condition of payment of additional cost of Rs. 5,000/- which shall be remitted to the applicant. Respondents are also directed to bring on record status of writ petition filed before Hon'ble High Court against the order of this Tribunal.</div><div>5. List on 03.10.2024.</div><div>6. Copy of this order be provided to learned counsel for the respondents free of cost.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>(Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>UKT/-</div></div></div>

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

Ex-A. No. 334 of 2022 Inre: O.A. No. 871 of 2021

Ex. Nb. Sub. Arvind Bhushan

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Arvind Kumar Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</div></div><div><div>2.</div><div>Status report filed by the respondents is taken on record. Learned counsel for the respondents submits that cost of Rs. 15,000/- has been deposited. Cost so deposited shall be remitted to the applicant. Learned counsel for the respondents also submits that writ petition against the order of Tribunal has been filed before Hon'ble High Court which has not yet been listed.</div></div><div><div>3.</div><div>Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks' time to file compliance report.</div></div><div><div>4.</div><div>As prayed, four weeks further time is granted to file compliance report on the condition of payment of additional cost of Rs. 5,000/- which shall be remitted to the applicant. Respondents are also directed to bring on record status of writ petition filed before Hon'ble High Court against the order of this Tribunal.</div></div><div><div>5.</div><div>List on 03.10.2024.</div></div><div><div>6.</div><div>Copy of this order be provided to learned counsel for the respondents free of cost.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>UKT/-</div></div></div>

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

Ex-A. No. 303 of 2023 Inre: O.A. No. 429 of 2022

ERA 3 Ajay Kumar (Retd)  
By Legal Practitioner for the Applicant : Shri Sarvesh Kumar Verma, Advocate

Applicant

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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>Heard Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</div></div><div><div>2.</div><div>Compliance report has not been filed. Status report from responsible officer has also not been filed. Respondents are not implementing order of the Tribunal. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</div></div><div><div>3.</div><div>As prayed, four weeks further time is granted to file compliance report on the condition of payment of additional cost of Rs. 8,000/- which shall be remitted to the applicant. . It is made clear that if compliance affidavit is not filed by the next date, explanation/ clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</div></div><div><div>4.</div><div>List on 04.09.2024.</div></div><div><div>5.</div><div>Copy of this order be provided to learned counsel for the respondents free of cost.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>UKT/-</div></div></div>



Form No. 4  
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 5)

Ex-A. No. 49 of 2024 Inre: O.A. No. 231 of 2023

Ex NK (MACP Hav) Ratan Kumar Dwivedi  
By Legal Practitioner for the Applicant : Mohd. Zafar Khan, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Shri Ram Saran Awasthi, Advocate

Applicant

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b> <b><u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>1. Heard Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents.</p> <p>2. Compliance report has not been filed. Status report has also not been filed. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</p> <p>3. As prayed, four weeks further time is granted to file compliance report, failing which cost of Rs. 5,000/- shall be imposed which shall be deposited in registry and shall be remitted to the applicant. It is made clear that if compliance affidavit is not filed by the next date, explanation/ clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</p> <p>4. List on <b>17.10.2024</b>.</p> <p>5. Copy of this order be provided to learned counsel for the respondents free of cost.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b> <b>Member (A) Member (J)</b> UKT/-</p>

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**{See rule 11(1)}**  
**ORDER SHEET**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1(SI. No. 6)**

**Ex-A. No. 122 of 2024 Inre: O.A. No. 83 of 2023**

**Ex. Hav. MD Saleem** Applicant  
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, Advocate

## Versus

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Somesh Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>1. Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents.</p> <p>2. Learned counsel for the respondents submits that writ petition against the order of Tribunal has been filed before Hon'ble High Court..</p> <p>3. Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks' time to file compliance report.</p> <p>4. As prayed, four weeks further time is granted to file compliance report. Respondents are also directed to bring on record status of writ petition filed before Hon'ble High Court against the order of this Tribunal.</p> <p>5. List on <b>17.10.2024</b>.</p> <p>6. Copy of this order be provided to learned counsel for the respondents free of cost.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b> <b>Member (A) Member (J)</b></p> <p>UKT/-</p>

**Form No. 4**  
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**ORDER SHEET**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1(Sl. No. 7)**

**Ex-A. No. 124 of 2024 Inre: O.A. No. 702 of 2023**

**Ex. Hav. Jeetendra Kumar** Applicant  
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, Advocate

## Versus

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Pushpendra Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b>  <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <ol style="list-style-type: none"> <li>1. Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.</li> <li>2. Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks' time to file compliance report.</li> <li>3. As prayed four weeks' time is granted to file compliance report. It is made clear that if compliance affidavit is not filed by the next date, explanation/ clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</li> <li>4. List on <b>17.10.2024.</b></li> </ol> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b>  <b>Member (A) Member (J)</b>  UKT/-</p>

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

Ex-A. No. 125 of 2024 Inre: O.A. 567 of 2023

Ex WO Mahendra Singh

Applicant

By Legal Practitioner for the Applicant : Wg. Cdr. Ajit Kakkar (Retd), Advocate  
Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri G.S. Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</div><div>2. Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</div><div>3. As prayed four weeks’ time is granted to file compliance report. It is made clear that if compliance affidavit is not filed by the next date, explanation/ clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</div><div>4. List on 18.10.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>UKT/-</div></div></div>

Form No. 4  
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Court No. 1(Sl. No. 9)

Ex-A. No. 143 of 2024 Inre: O.A. No. 89 of 2023

Ex. Sigmn Sohan Kumar  
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Ms. Prerna Singh, Advocate

Applicant  
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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. Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents.</div><div>2. Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</div><div>3. As prayed four weeks’ time is granted to file compliance report. It is made clear that if compliance affidavit is not filed by the next date, explanation/ clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</div><div>4. List on 21.10.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>UKT/-</div></div></div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 10)

Ex-A. No. 144 of 2024 Inre: O.A. No.265 of 2023

Ex. Sgt. Ajay Kumar Yadav  
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Shri D.K. Pandey, Advocate

Applicant  
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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. Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</div><div>2. Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</div><div>3. As prayed four weeks’ time is granted to file compliance report. It is made clear that if compliance affidavit is not filed by the next date, explanation/ clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</div><div>4. List on 21.10.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>UKT/-</div></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. 145 of 2024 Inre: O.A. No. 980 of 2022

Ex. MWO Rajive Kumar Saxena  
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Versus

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

Applicant  
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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. Heard Shri Viany Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</div><div>2. Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</div><div>3. As prayed four weeks’ time is granted to file compliance report. It is made clear that if compliance affidavit is not filed by the next date, explanation/ clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</div><div>4. List on 21.10.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>UKT/-</div></div></div>

**Form No. 4**  
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**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1(Sl. No.12)**

**Ex-A. No. 146 of 2024 Inre: O.A. No. 291 of 2023**

**Ex. MWO (HFO) Mahesh Kumar Gupta** Applicant  
By Legal Practitioner for the Applicant : Shri Vinay Pandey, 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
	<p><b><u>23.07.2024</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>1. Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>2. Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks' time to file compliance report.</p> <p>3. As prayed four weeks' time is granted to file compliance report. It is made clear that if compliance affidavit is not filed by the next date, explanation/clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</p> <p>4. List on <b>21.10.2024</b>.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b> <b>Member (A) Member (J)</b> UKT/-</p>



Form No. 4  
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ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 13)

Ex-A. No. 184 of 2024 Inre: O.A. No. 484 of 2022

Ex. Hav. Inder Pal Singh  
By Legal Practitioner for the Applicant : Mohd. Zafar Khan, 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><div>23.07.2024</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. Heard Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</div><div>2. Compliance report has not been filed. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</div><div>3. As prayed four weeks’ time is granted to file compliance report. It is made clear that if compliance affidavit is not filed by the next date, explanation/ clarification of the responsible officer for not implementing the order shall be filed by way of an affidavit.</div><div>4. List on 22.10.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>UKT/-</div></div>

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

O.A. No. 566 of 2023

**Brig. Sameer Bhadauria (Retd)** Applicant  
By Legal Practitioner for the Applicant : Shri S G Singh, Advocate  
Shri Anand Yadav, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Devesh Kumar Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>23.07.2024</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. Heard Shri S G Singh, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.</p> <p>2. In spite of availing several opportunities by the respondents, counter affidavit has not been filed. Today, learned counsel; for the respondents against prays for four weeks’ time to file counter affidavit.</p> <p>3. As prayed, four weeks further and no more time is granted to file counter affidavit on the condition of payment of cost of Rs. 5,000/- which shall be deposited in the Registry.</p> <p>4. List on <b>25.09.2024</b>.</p> <p>5. Copy of this order be provided to learned counsel for the respondents free of cost.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b> <b>Member (A) Member (J)</b> UKT/-</p>

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

O.A. No. 682 of 2023

Ex. Sub. Dinesh Kumar Singh  
By Legal Practitioner for the Applicant : Shri Neetesh Kumar, Advocate

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Neetesh Kumar, Ld. Counsel for the applicant is present through video conferencing and Shri Ashish Kumar Singh, Ld. Counsel for the respondents is present before the Court.</div><div>3. Counter affidavit filed by the respondents is already taken on record.</div><div>4. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.</div><div>5. On the request of Id. counsel for the parties, heard the matter and perused the records.</div><div>6. O.A is <b>Partly Allowed</b>.</div><div>7. Detailed order on separate sheets.</div><div>8. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</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. 1357 of 2023

Ex.Hav. Dharam Singh  
By Legal Practitioner for the Applicant : Shri Amit Asthana, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Applicant  
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Amit Asthana, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present through video conferencing.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Ld. Counsel for the respondents submits that para-wise comments have been received. He prays for and is granted further four weeks time as a last opportunity to file Counter Affidavit.</div><div>4. List on 18.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</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. 1453 of 2023

Col. Vinay Kumar (Retd) Applicant  
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate  
Shri Anshuman Srivastava, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>23.07.2024</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed by the respondents.</p> <p>3. Ld. Counsel for the respondents prays for and is granted further four weeks time to file Counter Affidavit.</p> <p>4. List on <b>26.09.2024</b>.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b> <b>Member (A) Member (J)</b></p> <p>RK/-</p>

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

O.A. No. 1496 of 2023

Ram Shankar Tiwari MCEA (P) I (Hony.Lt) (Retd)  
By Legal Practitioner for the Applicant : Shri Manish Kumar Rai, Advocate

Versus

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

Applicant  
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Manish Kumar Rai, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present through video conferencing.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Ld. Counsel for the respondents submits that para-wise comments have been received and he has prepared the counter affidavit which has been sent for vetting. He prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 04.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</div></div>

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

O.A. No. 1499 of 2023

CPO (LOG) Atiqur Rahman (Retd)  
By Legal Practitioner for the Applicant :

Applicant  
Shri Pradeep Kumar Mishra, , Advocate  
Shri Raj Kumar Mishra, Advocate  
Ms. Upasna Mishra, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents :

Respondents  
Shri Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>23.07.2024</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 Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present through video conferencing.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Ld. Counsel for the respondents submits that para-wise comments have been received. He prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 04.09.2024.</div></div> <div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div> <div>RK/-</div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 20)

O.A. No. 1532 of 2023

**Col (TS) Devendra KuamrMaithani** Applicant  
By Legal Practitioner for the Applicant : Shri Ashok Kumar, Advocate  
Shri Ankur Rawat, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Ms.Preeti Mala, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>23.07.2024</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 Ankit Rawat, Ld. Counsel for the applicant is present. Ms. Preeti Mala, Ld. Counsel for the respondents is not present today.</p> <p>2. Counter affidavit has not been filed by the respondents.</p> <p>3. Departmental Representative prays for and is granted further four weeks time to file Counter Affidavit.</p> <p>4. List on <b>06.09.2024</b>.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b> <b>Member (A) Member (J)</b></p> <p>RK/-</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. 1535 of 2023

Hav. Rajendra Kumar Rawat (Retd)  
By Legal Practitioner for the Applicant :

Applicant  
Shri Shailendra Kumar Singh, Advocate  
Shri Shubham Singh, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents :

Respondents  
Ms. Deepti Prasad Bajpai, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Shailendra Kumar Singh, Ld. Counsel for the applicant is present before the Court.Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents is not present today.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Departmental Representative submits that para-wise comments have been received. She prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 10.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</div></div>

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

**Sub. Anil Tripathi** Applicant  
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Ms. Kavita Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b>  <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <ol style="list-style-type: none"> <li>1. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents are present.</li> <li>2. Counter affidavit filed by the respondents is taken on record. Rejoinder affidavit, if any, may be filed by the applicant within two weeks.</li> <li>3. List on <b>12.08.2024</b>.</li> </ol> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b>  <b>Member (A) Member (J)</b></p> <p>RK/-</p>

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b>  <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <ol style="list-style-type: none"> <li>1. On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present through video conferencing.</li> <li>2. Counter affidavit has not been filed by the respondents.</li> <li>3. Ld. Counsel for the respondents prays for and is granted further four weeks time to file Counter Affidavit.</li> <li>4. List on <b>18.09.2024</b>.</li> </ol> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b>  <b>Member (A) Member (J)</b></p> <p>RK/-</p>

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

O.A. No. 155 of 2024

NK Kapil Agarwal (Retd)

Applicant

By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate  
Shri Pradeep Kumar Mishra, Advocate  
Ms. Upasna Mishra, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Raj Kumar Mishra, Ld. Counsel for the applicant is present through video conferencing. Shri Shyam Singh, Ld. Counsel for the respondents is not present today.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Departmental Representative submits that para-wise comments have been received. She prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 18.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</div></div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 25)

O.A. No. 160 of 2024 with M.A. No. 196 of 2024

Ex. NK Amaranth YadavApplicant  
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate  
Shri Shashi Kant Chaturvedi, Advocate

Versus

Union of India & OthersRespondents  
By Legal Practitioner for Respondents : Shri Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Vinay Pandey, Ld. Counsel for the applicant is present through video conferencing. Shri Shyam Singh, Ld. Counsel for the respondents is not present today.</div></div><div><div>2.</div><div>In this case, objection alongwith affidavit filed by the respondents was not taken on record because there were some defects. Respondents were granted time to file fresh objection alongwith affidavit. Fresh objection has not been filed. Three weeks further time is granted to the respondents to file fresh objection, if any, alongwith affidavit.</div></div><div><div>3.</div><div>List on 02.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</div></div>

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

O.A. No. 195 of 2024 with M.A. No. 247 of 2024

NK Dinesh Kant Singh (Retd)

Applicant

By Legal Practitioner for the Applicant : Shri Tatsat Shukla, Advocate  
Shri Rahul Pal, Advocate  
Shri Dhiraj Kumar, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri D.K.Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>23.07.2024</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 and Shri Tatsat Shukla, Ld. Counsel for the applicant are present before the Court and Shri D.K.Pandey, Ld. Counsel for the respondents is present through video conferencing.</div><div>2. In this case, applicant was directed to carry out the proposed amendments within a week. Despite availing several opportunities amendment has not been carried out by the applicant.</div><div>3. Ld. Counsel for the applicant prays for and is granted two weeks further time to carry out the proposed amendment failing which this O.A shall be dismissed for non-prosecution.</div><div>4. List on 21.08.2024.</div></div> <div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>RK/-</div></div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 27)

O.A. No. 246 of 2024

Sgt. Pradeep Kumar Mishra (Retd)  
By Legal Practitioner for the Applicant :

Applicant  
Shri Raj Kumar Mishra, Advocate  
Ms. Upasna Mishra, Advocate  
Shri Vinay Swaroop Mishra, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents :

Respondents  
Shri Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Raj Kumar Mishra, Ld. Counsel for the applicant is present through video conferencing and Shri Shyam Singh, Ld. Counsel for the respondents is not present today.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Departmental Representative submits that para-wise comments have been received and forwarded to the Id. Counsel for the respondents. She prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 02.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</div></div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 28)

O.A. No. 247 of 2024

Ex. Nb Sub/Opr Shailesh Kumar Singh  
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Shri Sunil Sharma, Advocate

Applicant  
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Yashpal Singh, Ld. Counsel for the applicant is present before the Court. Shri Sunil Sharma, Ld. Counsel for the respondents is present through video conferencing.</div><div>2. Shri Saket Kumar Srivastava, Advocate appears on behalf of Respondent No. 6 and filed his Vakalatnama which is taken on record. His name be printed as counsel for R-6 in the future cause list.</div><div>3. It is submitted by the Id. Counsel for the applicant that at the time of filing the original application, the First appeal of the applicant preferred against the rejection of his claim for grant of disability element of pension was not decided. Now, vide order dated 27.03.2024, the respondents have decided the appeal of the applicant which has not been approved. The order dated 27.03.2024 has been annexed as Annexure No. 9-A.</div><div>4. Applicant's counsel further submitted that the appeal of the applicant has not been approved merely by referring some rules of Entitlement Rules, 2008 and Guidelines for Medical Officers, 2002 which have no legal sanctity. He, therefore, moved an Amendment application for adding some paragraphs in the Facts, Grounds and Prayer clause of the original application. He also submits that the proposed amendments will not change the nature of the case.</div><div>5. Ld. Counsel for the respondents has raised no objection.</div><div>6. In view of above, Amendment application is allowed. Applicant is directed to carry out the proposed amendments within two weeks.</div><div>7. List on 11.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div><div>RK/-</div></div></div>



Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 29)

O.A. No. 249 of 2024

Ex. NK Subash Yadav  
By Legal Practitioner for the Applicant : Shri K.P.Datta, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Shri J N Mishra, Advocate

Applicant

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 K P Datta, Ld. Counsel for the applicant and Shri J N Mishra, Ld. Counsel for the respondents are present.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Ld. Counsel for the respondents submits that para-wise comments have been received. He prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 17.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</div></div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 30)

O.A. No. 250 of 2024

Ex. Hav. Vinod Kumar Yadava  
By Legal Practitioner for the Applicant : Shri K P Datta, Advocate

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Ms. Kavita Mishra, Advocate

Applicant  
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div><div>23.07.2024</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><div>1. On the case being taken up for hearing Shri K P Datta , Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents are present.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Ld. Counsel for the respondents submits that para-wise comments have been received. She prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 17.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</div></div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 31)

R.A. No. 67 of 2023 with M.A. No. 176 of 2023 Inre: M.A. No. 1760 of 2017  
Inre: O.A. No. Nil of 2018

Ex. Rfn. Dinesh Singh  
By Legal Practitioner for the Applicant : Shri Dharam Raj Singh, Advocate

Applicant

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Shri R K S Chauhan, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.07.2024</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,Ld. Counsel for the applicant is not present. Shri R K S Chauhan, Ld. Counsel for the respondents is present through video conferencing.</p> <p>2. The applicant is present in person before the Court and submits that he wants to change his counsel.</p> <p>3. List on <b>26.09.2024</b>.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b> <b>Member (A) Member (J)</b></p> <p>RK/-</p>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 32)

T.A. No. 57 of 2023

HFL OM Prakash (Retd)  
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Versus

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

Applicant  
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>23.07.2024</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 Vinay Pandey, Ld. Counsel for the applicant and Shri R.C Shukla, Ld. Counsel for the respondents are present through video conferencing.</div><div>2. Counter affidavit has not been filed by the respondents.</div><div>3. Ld. Counsel for the respondents prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 10.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</div><div>Member (A) Member (J)</div></div><div>RK/-</div></div>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 33)

O.A. No. 856 of 2021

**Nb Sub Azad Singh** Applicant  
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate  
Shri Girish Tiwari, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Dr. Gyan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b> <b><u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant andDr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>2. Heard the Id. Counsel for the parties at length.</p> <p>3. At the request of Id. Counsel for the applicant matter is adjourned.</p> <p>4. List this case for further hearing on <b>23.09.2024</b>.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b> <b>Member (A) Member (J)</b></p> <p>RK/-</p>

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No. 1(Sl. No. 34)

O.A. No. 757 of 2023  
932424-T Ex. Sgt. Sachin Kumar  
By Legal Practitioner for the Applicant : Shri Tatsat Shukla, Advocate  
Shri Dhiraj Kumar, Advocate  
Shri Rahul Pal, Advocate

Applicant

Versus

Union of India & Others  
By Legal Practitioner for Respondents : Ms. Appoli Srivastava, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b> <b><u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>4. Heard Shri Tatsat Shukla and Shri Rahul Pal, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>5. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-</p> <p>(a) To accept disability IE (i) <b>CA RECTUM (OPTD)</b> of my client as Attributable to or Aggravated by Service @20% for life as per first Medical Board; and</p> <p>(b) To accept Disability ID (ii) Urethral Injury During Surgery Leading to Sphincter Damage, Urinary Incontinence and Subsequent Urethral Stricture @100% instead of 40% as per Para 12.2 of Annexure – II to the guidelines of Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities (Divyangjan)] Gazette Notification New Delhi, dated 04 Jan 2018 in absence of any equivalence in GMO, 2008 as the said injury due to NEGLIGENCE during operation of CA (Rectum) has caused lifelong Severe/Total Incontinence &amp; Erectile Dysfunction to my client.</p> <p>(c) To grant applicant with Constant Attendance Allowance (CAA) considering his acute Medical conditions which requires constant nursing care &amp; attention and not likely to improve for the rest of his life, or</p> <p>(d) To issue Corr. PPO for Disability Pension @100% with constant attendance allowance with arrear of all consequential benefits with 18% interest from the date of IMB; and</p> <p>(e) To grant the AFGIS insurance amount as per 100% disability instead of incorrectly calculated 40% disability to my client accordingly; and</p> <p>(f) To grant Ex-Gratia Lump Sum Compensation in applicant’s Case of Invalidment.</p> <p>(g) To grant applicant Rs.20 Lakhs compensation for causing mental harassment, agony and lifelong suffering to my Client forcing him to remain under constant fear of public embarrassment, isolation and</p>

	<p><i>destroyed sex life due to Medical Negligence; or</i></p> <p>(h) <i>To pass such orders, direction/directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.</i></p> <p>6. Briefly stated, applicant was enrolled in the Indian Air Force on 01.10.2008 and invalided out from service on 11.11.2021 in Low Medical Category on having been found medically unfit for further service in Indian Air Force after rendering 13 years and 42 days of service. At the time of discharge from service, the Invaliding Medical Board (IMB) held at 174 Military Hospital, C/o 56 APO, Bathinda on 09.04.2021 assessed his disabilities (i) '<b>CA RECTUM (OPTD) (C20.0, N36.8)</b>' @ 20% as neither attributable to nor aggravated by service (NANA) and (ii) '<b>URETHRAL INJURY DURING SURGERY LEADING TO SPHINCTER DAMAGE, URINARY INCONTINENT AND SUBSEQUENT URETHRAL STRicture (N39.4; N35.88)</b>' @40% as <b>attributable to service, composite disabilities @50% for life</b>. Accordingly, the applicant was granted Disability Pension @40% rounded off to 50% for life vide PPO No. 601202105077 dated 05.07.2022. The applicant preferred application dated 18.04.2022 through Zila Sainik Board which was rejected by the respondents vide letter dated 15.10.2022. The applicant raised his grievance through application dated 15.11.2022 and CPGRAMS which too were rejected by the respondents vide their letter dated 30.11.2022. The applicant preferred Representation cum Legal Notice dated 01.02.2023 through his Counsel which too was rejected by the respondents vide letter dated 09.05.2023 on the ground that Disability Certificates issued by either Disability Medical Board held at service hospital or District Medical Board do not assess the disability/disabilities for Pension purpose. It is in this perspective that the applicant has preferred the present Original Application.</p> <p>7. Ld. Counsel for the applicant submits that the wrong and fictional calculation was carried out while calculating the second disability @40% by endorsing "As per current Medical Knowledge utilized" and no efforts were made to derive the equivalence of Disability either from any other authenticated publication/source or from higher Medical Authorities in absence of any mention of Second Disability caused to the applicant due to Negligence during operation/treatment of First Disability in Guide to Medical Officers (Military Pensions), 2008. He further submitted that while finalizing proceedings, IMb failed absolutely to appreciate the seriousness of injury from Summary and Opinion of Col. Amit Agrawal, Sr. Advisor (Surgery) &amp; Urologist, Command Hospital, Chandimandir (annexed as Annexure A-4 of the Original Application) while doing Invaliding Medical Board which indicates in-sensitiveness towards lifelong suffering to the applicant due to their own wrong and shows wilful tendency to anyhow curtail the rightful benefits of the applicant. He further submitted that the applicant approached to Command Hospital (Central Command), Lucknow for issue of Disability Certificate and after thorough</p>
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	<p>clinical investigation they found his disability as permanent physical impairment in relation to total incontinence and was issued with Disability Certificate with disability @100%. Accordingly, the applicant was issued Disability Certificate by Presiding Officer, Disability Medical Board, Command Hospital (Central Command), Lucknow and Chief Medical Officer, Lucknow, U.P. with disability @100% and on the basis of this certificate, the applicant was issued with a final Disability Certificate with disability @100% from Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empower, Government of India vide Certificate dated 10.06.2022 (Annexure A-5 Collectively). He pleaded that in view of the above the applicant be granted Disability Pension @100% for life along with Constant Attendance Allowance.</p> <p>8. In reply, Ld. Counsel for the respondents submitted that since the applicant's first disability was regarded as NANA and the second disability was assessed @40% as attributable to service the applicant was granted Disability Pension @40% rounded off to 50%. Since the applicant's disability was not assessed @100% for life, he is not entitled for the grant of Disability Pension @100% with Constant Attendance Allowance.</p> <p>9. Upon hearing submission of Ld. Counsel of both the parties we find that Command Hospital (Central Command), Lucknow after clinical investigation found applicant's disability as permanent physical impairment in relation to total incontinence and was issued with Disability Certificate with disability @100% and the applicant was issued Disability Certificate by Presiding Officer, Disability Medical Board, Command Hospital (Central Command), Lucknow and Chief Medical Officer, Lucknow, U.P. with disability @100%. Further, on the basis of aforesaid certificate, the applicant was issued with a final Disability Certificate with disability @100% from Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empower, Government of India vide Certificate dated 10.06.2022.</p> <p>10. In view of above, it will be expedient in the interest of justice that respondents be directed to conduct Re-Survey Medical Board of the applicant keeping in view the Medical Certificates mentioned in paragraph 6 above to ascertain the applicant's present disabilities.</p> <p>11. Accordingly, we direct the respondents to conduct Re-Survey Medical Board of the applicant to assess his present degree of disabilities within two months from the date of receipt of a certified copy of this order and file the RSMB proceeding before the next date fixed.</p> <p>12. List on <b>07.10.2024</b>.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A) Member (J) AKD/-</div><div>(Justice Anil Kumar)</div></div>
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**O.A. No. 798 of 2023**

Applicant

Shri R.K. Singh, Advocate

## Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.07.2024</u></b>  <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri V P Pandey and Shri R.K. Singh, Ld. Counsel for the applicant are present before the Court. Shri Arun Kumar Sahu, Ld. Counsel for the respondents is present through video conferencing.</p> <p>2. On request of Id. Counsel for the applicant, four week's time is granted to file written submission.</p> <p>3. List on <b>02.09.2024</b>.</p> <p><b>(Vice Admiral Atul Kumar Jain) (Justice Anil Kumar)</b>  <b>Member (A) Member (J)</b></p> <p>RK/-</p>