

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

T.A. No. 12 of 2024

MWO Kundan Kumar Singh (Retd) Applicant
By Legal Practitioner for the Applicant : Shri Amit Asthana, 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>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Vakalatnama has also been filed by Shri Amit Asthana, Advocate on behalf of the applicant which is also taken on record.3. This application has been received by transfer from the AFT, Principal Bench, New Delhi.4. On the case being taken up for hearing none present for the applicant. Shri Ashish Kumar Singh, Ld. Counsel for the respondents is present.5. List for hearing on 02.07.2024.6. In the meantime, rejoinder affidavit, if any, may be filed by the applicant. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

Diary No. 934 of 2024 with M.A. No. 472 of 2024

Ex Nk Niranjan Kallo Applicant
By Legal Practitioner for the Applicant : Shri Rang Nath Pandey, Advocate
Shri Rahul Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri R.N Pandey, Id. counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present.2. Applicant has filed application for withdrawing the original application with liberty to file afresh before the appropriate forum. Application is taken on record.3. Ld. Counsel for the respondents has no objection.4. Application for withdrawing the O.A is allowed. Applicant is permitted to withdraw this O.A with liberty to file afresh before the appropriate forum, if desire.5. The instant application is dismissed as withdrawn. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 1330 of 2023

Ex Sub Brijesh Chandra Dubey Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate
Shri Ram Jeet Dubey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Mrs. Deepti P Bajpai, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Mrs. Deepti P Bajpai, Ld. Counsel for the respondents are present.2. Counter affidavit filed by the respondents is taken on record.3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.4. O.A is Partly allowed.5. Detailed order on separate sheets.6. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

Diary No. 885 of 2024

Ex SWR Navin Kumar Applicant
By Legal Practitioner for the Applicant : Col AK Srivastava (Retd), Advocate
Shri Amarendu Srivastava, 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><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Col AK Srivastava (Retd), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.2. Affidavit filed by the applicant is taken on record.3. Heard the Ld. Counsel for the parties and perused the records.4. Objection raised by Registry that page nos. 65-67 and 74-76 are not legible, has not been rectified by the applicant. Papers mentioned in the objection of Registry shall not be read in evidence because papers are not legible.5. Registry is directed to register this case as Original Application.6. List for hearing on admission on 21.05.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 2)

Ex - A. No. 245 of 2022 Inre: O.A. No. 317 of 2020

NC (E) Naresh Kumar Safaiwala

Applicant

By Legal Practitioner for the Applicant : Ms. Mamta Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</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 Ms. Mamta Pandey, Ld. Counsel for the applicant is present. Shri Amit Jaiswal, Ld. Counsel for the respondents is also present.</p> <p>2. Departmental Representative submits that PPO has been issued on 01.03.2024 and the copy of the same has been forwarded to the applicant.</p> <p>3. Respondents are directed to bring this fact on record within two weeks failing which respondents shall deposit cost of Rs. 2000/- in the Registry.</p> <p>4. List on 29.05.2024.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 3)

Ex - A. No. 361 of 2022 Inre: O.A. No.32 of 2022

Ex Nk Prabhu Nath Tiwari Applicant
By Legal Practitioner for the Applicant : Shri KP Datta, 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>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.2. Affidavit of responsible officer with regard to the status of the execution and cause of delay in implementation of the order, filed on behalf of the respondents, is taken on record.3. Compliance affidavit has not been filed by the respondents.4. Ld. Counsel for the respondents prays for and is granted further four week's time as a last opportunity to file compliance affidavit on payment of additional cost of Rs. 8000/- in the Registry which shall be remitted to the applicant.5. Respondents are also directed to deposit all the cost due against them by the next date of listing.6. List on 06.08.2024.7. Copy of the order be provided to the respondents/Legal Cell for compliance of the order. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

Ex - A. No. 382 of 2022 Inre: O.A. No. 482 of 2021

Ex Sub Pawan Kumar Singh Applicant
By Legal Practitioner for the Applicant : Mohd. Zafar Khan, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Mohd. Zafar Khan, Ld. Counsel for the applicant is present. Shri Vishwesh Kumar, Ld. Counsel for the respondents is not present today.2. Compliance affidavit has already been filed by the respondents. Applicant was granted time to file objection, if any. Objection has not been filed by the applicant.3. Ld. Counsel for the applicant submits that cost due against the respondents has not been deposited by the respondents.4. In view of above, this execution application is disposed of finally with condition that respondents shall deposit all the cost due against them within two months from today which shall be remitted to the applicant.5. The instant execution application is disposed of accordingly. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

Ex- A. No. 384 of 2022 Inre: O.A. No. 641 of 2021

Ex Hav Vijay Bahadur Applicant
By Legal Practitioner for the Applicant : Shri KP Datta, 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><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents are present.2. Compliance affidavit has not been filed by the respondents. Cost has also not been deposited.3. Departmental Representative submits that a writ petition has been filed against the order of this Tribunal before the Hon'ble High Court and stay order has been passed in the case.4. Respondents are directed to bring this fact on record alongwith the copy of the stay order till the next date of listing.5. List on 27.08.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 6)

Ex -A. No. 31 of 2023 Inre: O.A. No. 760 of 2021

Ex Nb Sub Anil Kuamr Gautam Applicant
By Legal Practitioner for the Applicant : Shri R Chandra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents assisted by Shri R.K. Tiwari, Sr. Account Officer, PCDA(P), Prayagraj are present.2. Compliance affidavit has already been filed by the respondents.3. Applicant was granted time to file objection, if any, but the objection has not been filed on behalf of the applicant.4. Ld. Counsel for the applicant submits that the order has been complied with.5. Since the order has been complied with, the instant execution application is disposed of finally in full satisfaction. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

Ex - A. No. 278 of 2023 Inre: O.A. No. 340 of 2022

Ex Sep Krishna Kumar Yadav Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Yogesh Kesarwani Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.2. Compliance affidavit has not been filed by the respondents. Cost has also not been deposited.3. Ld. Counsel for the respondents prays for and is granted further four week's time to file compliance affidavit on payment of additional cost of Rs. 8000/- in the Registry which shall be remitted to the applicant.4. Respondents are further directed to file an affidavit of responsible officer with regard to the status of the execution and cause of delay in implementation of the order.5. Respondents are also directed to deposit all the cost due against them by the next date of listing.6. List on 08.08.2024.7. Copy of the order be provided to the respondents/Legal Cell for compliance of the order. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 8)

O.A. No. 542 of 2021

Ex Hav Dev Nath Singh Yadav Applicant
By Legal Practitioner for the Applicant : Shri VP Pandey, Advocate
Shri RK Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Rajeev Narayan Pandey, Advocate
Shri DC Lohumi, Advocate
Shri Nitin Khanna, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri R. Chandra holding brief for Shri VP Pandey, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondent Nos. 1 to 4 are present. None present for Respondent Nos. 5 and 6.2. Counter affidavit has already been filed on behalf of respondent nos. 1 to 4 but counter affidavit has not been filed on behalf of respondent Nos. 5 and 6.3. Now this case will proceed ex-parte against respondent Nos. 5 and 6.4. List this case for hearing on 10.07.2024.5. In the meantime, rejoinder affidavit, if any, may be filed by the applicant. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 208 of 2023

Brig Rakesh Kumar Bhatia (Retd) Applicant
By Legal Practitioner for the Applicant : Shri SG Singh, Advocate
Shri Anand Kumar Yadav, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Anand Kumar Yadav, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.2. This case has been admitted on 01.03.2023 and respondents were granted time to file counter affidavit. Despite availing more than six opportunities counter affidavit has not been filed.3. Ld. Counsel for the respondents prays for and is granted further two weeks time to file Counter Affidavit as a last opportunity failing which opportunity to file counter affidavit shall stand closed.4. List this case for final hearing on 10.07.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 10)
O.A. No. 547 of 2023

13696548X Ex. Hav. Ram Bhawan Dubey 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 : Dr. Chet Narayan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>7. Heard Shri S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p>8. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-</p> <p style="padding-left: 40px;">(a) <i>Issue/pass an order or direction of appropriate nature whereby commanding the respondents to produce the record in original and thereafter quash the impugned order dated 24.12.2021 whereby rejecting the claim of the applicant for disability pension annexed as Annexure No.A-2 with the application.</i></p> <p style="padding-left: 40px;">(b) <i>Issue/pass an order or direction of appropriate nature whereby commanding the respondents to dispose of the application dated 28.02.2022 preferred by the applicant by which the applicant requested his case for assessing the percentage of his disability.</i></p> <p style="padding-left: 40px;">(c) <i>Issue/pass an order or direction of appropriate nature whereby commanding the respondents to constitute a fresh medical board for Re-Med Cat of the applicant.</i></p> <p style="padding-left: 40px;">(d) <i>Issue/pass an order or direction of appropriate nature whereby commanding the respondents to grant the disability pension to the applicant forthwith.</i></p> <p style="padding-left: 40px;">(e) <i>Allow the application with all consequential benefits with exemplary cost.</i></p> <p>9. Briefly stated, applicant was enrolled in the Brigade of the Guards Regiment of Indian Army on 20.02.1996 and discharged on 28.02.2022 (AN) in Low Medical Category on fulfilling the conditions of his enrolment under Rule 13 (3) Item III (i) of the Army Rules, 1954. At the time of discharge from</p>

service, the Release Medical Board (RMB) held at Military Hospital, Jalandhar Cantt. on 11.10.2021 assessed his disability '**TRAUMATIC AMPUTATION (RT) INDEX FINDER (S68.120A)**' @14% for life as **attributable to** service. The applicant's claim for grant of disability pension was rejected vide letter dated 24.12.2021. The applicant preferred application dated 28.02.2022 for re-assessing the percentage of his disability but of no avail. The applicant preferred application dated 15.05.2022 which too was rejected vide letter dated 08.08.2022. It is in this perspective that the applicant has preferred the present Original Application.

10. Learned Counsel for the applicant pleaded that the applicant's disability has been regarded as attributable to service but its degree of disablement has been assessed @14% for life by the RMB. The applicant preferred application for re-assessing the percentage of his disability but of no avail. He pleaded that various Benches of Armed Forces Tribunal have granted disability pension in similar cases, as such the applicant be granted disability element of disability pension.

11. During the course of arguments, Ld. Counsel for the applicant submits that the respondents be directed to hold Re-Survey Medical Board (RSMB) to re-assess the applicant's disability to decide the entitlement of the applicant for the grant of disability element of disability pension.

12. On the other hand, learned counsel for the respondents opposed the submissions of learned counsel for the applicant and submitted that although the applicant's disability has been assessed as attributable to military service but since the degree of disability has been assessed 14% i.e. below 20%, therefore, condition for grant of disability element of pension does not fulfil in terms of Regulation 53(a) of Pension Regulations for the Army, 2008 (Part-I) and, therefore, the competent authority has rightly denied the benefit of disability element of disability pension to the applicant. He pleaded for dismissal of the Original Application. He further submitted that since the applicant's disability has been assessed @14% for life, the applicant is not entitled for holding RSMB.

13. With regard to provision of Re-Assessment of Disability we would like to quote Para 16 of Chapter VII of Amendment to Chapter VI & VII Guide to Medical Officers (Military Pensions), 2008 as under :-

"16. Reassessment of Disability. There will be no periodical reviews by the Resurvey Medical Boards for re-assessment of disabilities. In case of disabilities adjudicated as being of a permanent nature, the decision once arrived at will be final unless the individual himself requests for a review. In cases of disabilities which are not of a permanent nature, there will be only one review of the percentage by a Medical Board to be carried out later within a specified time frame. The percentage of disability assessed/recommended by the Board will be final unless the

individual himself asks for a review. The review will be carried out by Review Medical Board constituted by DGAFMS.”

14. Upon hearing submissions of Ld. Counsel of both the parties and considering the facts and circumstances of the case specially the provisions contained in Para 16 of Guide to Medical Officer (Military Pensions), 2008, we direct the respondents to conduct Re-Survey Medical Board (RSMB) of the applicant to assess his disability for deciding entitlement of disability element of disability pension. Respondents are further directed to give effect to the order within three months from the date of receipt of a certified copy of this order.

15. Let copy of this order be provided to the learned Counsel for the parties.

16. List on **19.08.2024**.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Anil Kumar)
Member (J)

AKD/-

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

O.A. No. 563 of 2023

Capt Tarun Kumar Mukhopadhyay (Retd) Applicant
By Legal Practitioner for the Applicant : Shri Aditya Singh Puar, 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>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Aditya Singh Puar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.2. Counter affidavit has not been filed by the respondents.3. Ld. Counsel for the respondents prays for and is granted further four weeks time to file Counter Affidavit as a last opportunity.4. List on 12.07.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 678 of 2023

Brig Rajeev Kumar Singh Applicant
By Legal Practitioner for the Applicant : Shri SG Singh, Advocate
Shri Anand Kumar Yadav, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Anand Kumar Yadav, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.2. Despite availing several opportunities counter affidavit has not been filed by the respondents. Today, it was the last opportunity to file counter affidavit.3. Ld. Counsel for the respondents prays for and is granted further two weeks time as one more last opportunity to file Counter Affidavit failing which opportunity to file counter affidavit shall stand closed.4. List on 22.05.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 13)

O.A. No. 986 of 2023

Hav Jadhav Ajit Shrirang

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 : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. 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.2. Applicant was granted time to file rejoinder affidavit but the same has not been filed. Ld. counsel for the applicant prays for and is granted two weeks further time as a last opportunity to file rejoinder affidavit.3. List on 16.07.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 1209 of 2023 with M.A. No. 1678 of 2023

Ex L/NK Chandra Bhan Singh Applicant
By Legal Practitioner for the Applicant : Shri Keshav Sharma, Advocate
Shri Pradeep Kumar Mishra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Keshav Sharma, Ld. Counsel for the applicant and Mrs. Anju Singh, Ld. Counsel for the respondents are present.2. Reply to objection on delay, filed by the applicant is taken on record.3. Heard the Ld. Counsel for the parties on delay and perused the records.4. There is a delay of 17 years 04 months and 14 day in filing of Original Application. Ld. Counsel for the applicant has filed delay condonation application.5. 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. The applicant has also filed reply to the objection in which it has been stated that the applicant's wife was expired in Pandemic of Covid and the health of the applicant was also got deteriorated.6. Ld. Counsel for the respondents submits that delay has not been properly and satisfactorily explained on day-to-day basis.7. We have considered the submissions of Ld. Counsel for the parties and perused the records. We find that the cause shown for the delay is sufficient. Further being pensionary matter and in view of the law laid down by the Hon'ble Apex Court in the case of Union of India and Others Vs. Tarsem Singh (2008 (8) SCC 646), delay is condoned. Delay condonation application stands disposed of. <p><u>O.A. No. 1209 of 2023</u></p> <ol style="list-style-type: none">8. It is submitted by the Ld. Counsel for the applicant that applicant's claim has been wrongly rejected by the respondents.

9. Case needs adjudication.

10. Admit.

11. 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.

12. List on **16.08.2024**.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Anil Kumar)
Member (J)

RK/-

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

O.A. No. 1322 of 2023 with M.A. No. 1918 of 2023

Ex Sgt Rauhtash Kumar Applicant
By Legal Practitioner for the Applicant : Shri Virendra Kumar Gupta, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.2. Counter affidavit filed by the respondents is already taken on record.3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.4. O.A is Partly allowed.5. Detailed order on separate sheets.6. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 1337 of 2023

Ex WO Akhilesh Kumar Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Shri Arvind Kumar Bhandari, Advocate
Shri Raj Dew Pathak, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents.2. Counter affidavit filed by the respondents is taken on record.3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.4. O.A is Allowed.5. Detailed order on separate sheets.6. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 1406 of 2023

Ex Nb Sub Munna Prasad Singh Applicant
By Legal Practitioner for the Applicant : Shri Dwijendra Nath Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Dwijendra Nath Pandey, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.2. Counter affidavit filed by the respondents is already taken on record.3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.4. O.A is Allowed.5. Detailed order on separate sheets.6. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</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. 1413 of 2023

Ex Hav (MACP-III Nb Sub Grade)
Chhathendra Rai

Applicant

By Legal Practitioner for the Applicant : Shri Shiv Kumar Saroj, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Ankur Rawat holding brief for Shri Shiv Kumar Saroj, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.2. Counter affidavit has not been filed by the respondents.3. Ld. Counsel for the respondents prays for and is granted further four weeks time to file Counter Affidavit.4. List on 11.07.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 1438 of 2023

Ex Hav Nitosh Kumar Singh (Removed) Applicant
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate
Shri Saurabh Yadav, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.2. This Original Application has been filed against the removal order of the applicant and for reinstatement of the applicant.3. Case needs adjudication.4. Admit.5. Ld. Counsel for the respondents seeks and is allowed six weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.6. Applicant is directed to supply the copy of amended portion of the O.A to the Ld. Counsel for the respondents within two weeks.7. List on 19.08.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 224 of 2024 with M.A. No. 282 of 2024

Ex Nk Ram Naresh Singh Applicant
By Legal Practitioner for the Applicant : Shri Rohitash Kumar Sharma, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.2. Objection filed by the respondents on delay condonation application is taken on record.3. Heard the Ld. Counsel for the parties on delay condonation application and perused the records.4. Respondents have filed detailed objection supported with certain case laws.5. In view of the objections raised by the respondents to delay condonation application, we think it proper to provide an opportunity to the applicant to file written reply, if any.6. Accordingly, the applicant may file his written reply, if any, to the objections filed by the respondents, within two weeks.7. List on 22.05.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</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. 307 of 2024 with M.A. No. 384 of 2024

Ex Sep Ashok Kumar 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 Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</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 Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>2. Respondents were granted time to file objection on delay but the objection has not been filed.</p> <p>3. Ld. Counsel for the respondents prays for and is granted a last opportunity of further ten days time to file objection, if any.</p> <p>4. List on 14.05.2024.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 684 of 2017

Col Mukul Singhal Applicant
By Legal Practitioner for the Applicant : Shri Mohan Kumar, Advocate
Shri R Chandra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri R Chandra and Shri Mohan Kumar, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.2. At the request of Ld. Counsel for the respondents, case is adjourned.3. Respondents are directed to provide original documents pertaining to this case for perusal of the Bench on the next date of hearing.4. List for hearing on 29.07.2024. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>

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

O.A. No. 598 of 2023

Ex Rect / Clk Binod Singh Applicant
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents.2. Counter and rejoinder affidavits filed by the respondents and applicant respectively are taken on record.3. O.A is Partly allowed.4. Detailed order on separate sheets.5. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</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. 1205 of 2023

Ex Sub Jitendra Kumar Yadav Applicant
By Legal Practitioner for the Applicant : Shri KP Datta, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. SN Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Shri KP Datta, Ld. Counsel for the applicant and Dr. SN Pandey, Ld. Counsel for the respondents are present.2. Counter affidavit filed by the respondents is taken on record.3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.4. O.A is allowed.5. Detailed order on separate sheets.6. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>RK/-</p>