

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

O.A. No. 1112 of 2023

777511-F JWO Ritesh Kumar (Retd.) 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 : Shri Bipin Kumar Singh , Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2024</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. Order pronounced today in the Open Court.</p> <p>2. This Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-</p> <p>A. <i>To issue/pass an order or directions of appropriate nature to the respondents to consider composite disablement @50% after terming disability (i) as aggravated by service conditions from next date of his retirement from service i.e. 01.07.2021 and to pay the arrears along with suitable rate of interest as deem fit by this Hon’ble Tribunal.</i></p> <p>B. <i>To grant the benefit of rounding off of the disability pension from 50% to 75% and to pay the arrears along with suitable rate of interest as deem fit by this Hon’ble Tribunal.</i></p> <p>C. <i>Any other relief as considered proper by the Hon’ble Tribunal be awarded in favour of the applicant.</i></p> <p>3. Briefly stated, the applicant was enrolled in the Indian Air Force on 20.06.2001 and discharged on 30.06.2021 in Low Medical Category on fulfilling the conditions of his enrolment after rendering 20 years and 11 days of regular service. At the time of discharge from service, the Release Medical Board (RMB) held at Air Force Station, Kanpur on 18.09.2020 assessed his disabilities (i) ‘PRIMARY HYPERTENSION (OLD)’ @30% as neither attributable to nor aggravated (NANA) by service for life and (ii) ‘PIVD C2-C7 (OLD)’ @20% as aggravated by service, composite disabilities @40% for life. Accordingly, the applicant was granted disability element of disability pension @20% rounded off to 50% for life from the next date of his discharge for the second disability vide Corrigendum PPO No. 601202101193 dated 09.02.2023. The applicant preferred representation dated 29.08.2022 for the grant of disability element of disability pension for the first disability after applying principle of arithmetic addition in composite disablement on the ground that functional impairment of said disabilities are different but of no avail. It is in this perspective that the applicant has preferred the present</p>

	<p>Original Application.</p> <p>4. Learned Counsel for the applicant pleaded that at the time of enrolment, the applicant was found mentally and physically fit for service in the Air Force and there is no note in the service documents that he was suffering from any disease at the time of enrolment in Air Force. The first disease of the applicant was also contracted during the service, hence it is also attributable to and aggravated by Air Force Service. 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 and its rounding off to 75% after applying the principle of arithmetic addition in composite disablement in terms of Para 17A of Guide to Medical Officers (Military Pensions), 2008, as functional impairment of the said disabilities is different.</p> <p>5. On the other hand, Ld. Counsel for the respondents contended that since the RMB has assessed the applicant's second disability @20% for life as aggravated by service, hence, he was granted disability element of disability pension @20% rounded off to 50% for life from the next date of his discharge. However, since the applicant's first disability @30% for life has been regarded as NANA by the RMB, hence as per Regulation 153 of the Pension Regulations for the Indian Air Force, 1961 (Part-I) which provides that "<i>Unless otherwise specifically provided, disability pension may be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by Air Force service and is assessed at 20% or over</i>" the applicant is not entitled to disability element of disability pension for the first disability. He further submitted that composite assessment has been rightly assessed @40% for life by the RMB. He pleaded for dismissal of the Original Application.</p> <p>6. We have heard Ld. Counsel for the applicant as also Ld. Counsel for the respondents. We have also gone through the Release Medical Board proceedings as well as the records and we find that the questions which need to be answered are two folds:-</p> <p>(a) Whether the first disability of the applicant is attributable to or aggravated by Air Force Service?</p> <p>(b) Whether the RMB gone wrong in their composite assessment of the disabilities of the applicant, thereby denying him the entitled disability element of pension for the first disability?</p> <p>7. As regards to first question, the law on attributability of a disability has already been settled by the Hon'ble Supreme Court in the case of Dharamvir Singh Versus Union of India & Others, reported in (2013) 7 Supreme Court Cases 316. In this case the Apex Court took note of the provisions of the Pensions Regulations, Entitlement Rules and the General Rules of Guidance to Medical Officers to sum up the legal position emerging from the same in the following words.</p> <p style="text-align: center;"><i>"29.1. Disability pension to be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by military service in non-battle</i></p>
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casualty and is assessed at 20% or over. The question whether a disability is attributable to or aggravated by military service to be determined under the Entitlement Rules for Casualty Pensionary Awards, 1982 of Appendix II (Regulation 173).

29.2. A member is to be presumed in sound physical and mental condition upon entering service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical grounds any deterioration in his health is to be presumed due to service [Rule 5 read with Rule 14(b)].

29.3. The onus of proof is not on the claimant (employee), the corollary is that onus of proof that the condition for non-entitlement is with the employer. A claimant has a right to derive benefit of any reasonable doubt and is entitled for pensionary benefit more liberally (Rule 9).

29.4. If a disease is accepted to have been as having arisen in service, it must also be established that the conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service [Rule 14(c)]. [pic]

29.5. If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has led to an individual's discharge or death will be deemed to have arisen in service [Rule 14(b)].

29.6. If medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the Medical Board is required to state the reasons [Rule 14(b)]; and 29.7. It is mandatory for the Medical Board to follow the guidelines laid down in Chapter II of the Guide to Medical Officers (Military Pensions), 2002 - "Entitlement: General Principles", including Paras 7, 8 and 9 as referred to above (para 27)."

8. In view of the settled position of law on attributability, we find that the RMB has denied attributability to the applicant only by endorsing that the first disability '**PRIMARY HYPERTENSION**' is neither attributable to nor aggravated (NANA) by service on the ground of onset of disability on 10.02.2016 while posted in Peace location (Bareilly) and it is life style disorder, not due to stress and strain of service, therefore, applicant is not entitled to disability element of disability pension for the first disability. However, considering the facts and circumstances of the case, we are of the opinion that this reasoning of Release Medical Board for denying disability element of disability pension to applicant for the first disability is not convincing and doesn't reflect the complete truth on the matter. Peace Stations have their own pressure of rigorous Air Force training and associated stress and strain of Air Force service. The applicant was enrolled in Indian Air Force on 20.06.2001 and the first disability started after more than 14 years of Air Force service i.e. on 10.02.2016. We are therefore of the considered opinion that the benefit of doubt in these circumstances should be given to the applicant in view of **Dharamvir Singh vs Union of India & Ors** (supra), and the first disability of the applicant should also be considered as aggravated by Air Force service.

9. As regards to second question that has arisen in this Original Application, we find that the RMB has considered the disabilities of '**PRIMARY**

HYPERTENSION (OLD)'and 'PIVD C2-C7 (OLD)' @30% and 20% respectively with the composite disabilities @40% or life. Ld. Counsel for the applicant submitted that this composite assessment is in violation of the provisions contained in the Guide to Medical Officers (Military Pensions), 2008 because these disabilities have different functional effects, and hence, composite assessment should necessarily be the arithmetical sum of the percentages. In the support of his arguments, the Ld. Counsel for the applicant produced para 17A of Chapter VII (Assessment) of Guide to Medical Officers (Military Pensions), 2008 which is placed below :-

“17 A. Composite Assessment.

- (i) Where there are two or more disabilities due to service, compensation will be based on the composite assessment of the degree of disablement. Generally speaking, when separate disabilities have entirely different functional effects, the composite assessment will be the arithmetical sum of their separate assessments. But where the functional effects of the disabilities overlap, the composite assessment will be reduced in proportion to the degree of overlapping. There is a tendency for some Medical Boards to reduce the composite assessment in the former group of cases. This is not correct.*
- (ii) The assessments of amputation and other specific injuries as well as of other conditions have been given in the succeeding paragraphs. In some particular conditions such as Diabetes, Nephritis, Hypertension and Mental Diseases, there may always be some differences of opinion among the Medical Officers. Therefore, it is suggested that the Medical Officer-in-charge case, as well as the Specialist while describing the disability, should bring out full details so that the functional incapacity caused may be reasonably assessed by one who reads through the record. It must be realised that the gait is an important factor in some diseases and injuries affecting the lower limbs. Gait should be described in such cases.*
- (iii) The functional effects of two or more disabilities sometimes produce an overall disablement which is greater than that represented by the arithmetical sum of the separate assessments. The commonest examples will be found in cases of paired organs. There is also another type of case involving complementary organs, for which it is not possible to lay down hard and fast rules. A man with a material loss of vision coupled with a fair degree of deafness may be more seriously disabled than is suggested by the arithmetical sum of the separate assessments. The degree of blindness would be more incapacitating in a man so deaf than in a man with normal hearing, and conversely, the deafness would be more serious in a man partially blind than in a man with normal vision. Such cases require special consideration on their individual merits.”*

10. We do find, as per Guide to Medical Officers (Military Pensions), 2008 in case of separate disabilities have entirely different functional effects, the composite assessment is to be the arithmetical sum of their assessments. Therefore, if there is no overlap of functional effects of the disabilities, the composite assessment will have to be an arithmetical sum of both the

	<p>disabilities. Ld. Counsel for the respondents submitted that qualified Medical Authorities are most competent to calculate the composite disability as they are aware of the connection of the disabilities and the effect of one on the other, and therefore, judicial interference in this particular case striking down the expert opinion of the competent Medical Authorities does not augur well. On the analysis of this submission, we find that this applicant has two disabilities, which have entirely different functional effects. However, we do not possess the required medical knowledge to sit in judgment to assess the effect and impact of one disability on the other since the interplay of disabilities is intricate and composite assessment can be arrived at only by the qualified Medical Authorities. Therefore, in the interest of justice we are of the considered opinion that respondents be directed to refer the applicant's case to the Medical Board for their opinion with regard to the composite assessment of both disabilities of the applicant being entirely different in terms of functional effects.</p> <p>11. In view of the above, respondents are directed to refer the applicant's case to the Medical Board for their opinion with regard to composite assessment of the applicant's both disabilities and submit the Medical Board report within two months.</p> <p>12. List on 08.10.2024.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A) Member (J)</div><div>(Justice Anil Kumar)</div></div> <p>AKD/-</p>
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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(Suppl Sl. No. 2)

O.A. No. 738 of 2024

Ex Hav Rakesh Kumar Pal
By Legal Practitioner for the Applicant : Shri R Chandra, Advocate

Applicant

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

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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. Memo of Appearance filed by Ms. Preeti Mala, 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.</div><div>2. On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</div><div>3. On the request of learned counsel for the applicant, list on 13.11.2024.</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>

O.A. No.739 of 2024 with M.A. No. 833 of 2024
MWO (HFL) Nizamuddin (Retd) Applicant
 By Legal Practitioner for the Applicant : Dr. Amit Asthana, 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
	<p><u>31.07.2024</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. Memo of Appearance filed by Shri Arvind Kumar Pandey, 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.</p> <p><u>M.A. No. 833 of 2024</u></p> <p>2. Heard Dr. Amit Asthana, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents and perused the documents available on record.</p> <p>3. There is delay of 04 years, 05 months and 13 days in filing of Original Application for which delay condonation application has been filed.</p> <p>4. Ld. Counsel for the applicant submits that the delay in filing of the application is not deliberate but for 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> <p><u>O.A. No. 739 of 2024</u></p> <p>7. This O.A. has been filed by the applicant for grant of disability element. Matter needs adjudication.</p> <p>8. Admit.</p> <p>9. 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>10. List on 07.11.2024.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div data-bbox="350 2397 784 2472"> <p>(Vice Admiral Atul Kumar Jain) Member (A) Member (J) UKT/-</p> </div> <div data-bbox="922 2397 1211 2435"> <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(Suppl Sl. No. 4)

O.A. No.740 of 2024 with M.A. No. 834 of 2024

Ex L/NK (DSC GD) Arvind Kumar Asthana

Applicant

By Legal Practitioner for the Applicant : Dr. Amit Asthana, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri GS Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<div> <div>31.07.2024</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. Memo of Appearance filed by ShriGS Sikarwar, 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.</div> <div>M.A. No 834 of 2024</div> <div>2. Heard Dr. Amit Asthana, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondentsand perused the documents available on record.</div> <div>3. There is delay of 01 year and 21 days in filing of Original Application for which delay condonation application has been filed.</div> <div>4. Ld. Counsel for the applicant submits that the delay in filing of the application is not deliberate but for the reasons stated in affidavit filed in support of delay condonation application.</div> <div>5. Ld. Counsel for the respondents submits that delay has not been properly and satisfactorily explained on day-to-day basis.</div> <div>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.</div> <div>O.A. No. 740 of 2024</div> <div>7. This O.A. has been filed by the applicant for grant of disability element. Matter needs adjudication.</div> <div>8. Admit.</div> <div>9. 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.</div> <div>10. List on 07.11.2024.</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(Suppl Sl. No. 5)

EX-A. No. 274 of 2024 Inre: O.A. No. 969 of 2023

Ex Nk (MACP Hav) Sahadev Tomar
By Legal Practitioner for the Applicant : Shri KP Datta, Advocate

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2024</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. Memo of Appearance filed by Shri Adesh Kumar Gupta, 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.</p> <p>2. On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant andShri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p>3. Compliance report has not been filed.</p> <p>4. Learned counsel for the respondents submits that this is a fresh case and compliance of order under execution is in process. He prays for further four weeks’ time to comply the order and file compliance report.</p> <p>5. As prayed, four weeks’ further time is granted to file compliance report/ status report by way of an affidavit.</p> <p>6. List on 04.11.2024.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A) Member (J) UKT/-</p> <p>(Justice Anil Kumar)</p>

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

EX-A. No. 275 of 2024 Inre: O.A. No. 172 of 2023

Ex Hav Anil Kumar Awasthi
By Legal Practitioner for the Applicant : Shri R Chandra, Advocate

Applicant

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

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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. Memo of Appearance filed by Shri Shyam 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.</div><div>2. On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</div><div>3. Compliance report has not been filed.</div><div>4. Learned counsel for the respondents submits that this is a fresh case and compliance of order under execution is in process. He prays for further four weeks’ time to comply the order and file compliance report.</div><div>5. As prayed, four weeks’ further time is granted to file compliance report/ status report by way of an affidavit.</div><div>6. List on 04.11.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A) Member (J)</div><div>UKT/-</div><div>(Justice Anil Kumar)</div></div></div>

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

EX-A. No. 276 of 2024 Inre: O.A. No. 71 of 2023

Ex Nk Vimal Pandey
By Legal Practitioner for the Applicant : Shri KP Datta, Advocate

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2024</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. Memo of Appearance filed by Mrs. 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. On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant andMrs. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>3. Compliance report has not been filed.</p> <p>4. Learned counsel for the respondents submits that this is a fresh case and compliance of order under execution is in process. She prays for further four weeks’ time to comply the order and file compliance report.</p> <p>5. As prayed, four weeks’ further time is granted to file compliance report/ status report by way of an affidavit.</p> <p>6. List on 04.11.2024.</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 Sl. No. 8)

Diary No. 2041 of 2024

Ex Rect Mohit

Applicant

By Legal Practitioner for the Applicant : Shri Ved Prakash, Advocate
Shri Shailendra Kumar Singh, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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. Memo of Appearance filed by Shri Amit Jaiswal, 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.</div><div>2. On the case being taken up for hearing Shri Ved Prakash, Ld. Counsel for the applicant andShri Amit Jaiswal, Ld. Counsel for the respondents are present.</div><div>3. Applicant has removed the defects indicated by the Registry and application for condonation of delay has been filed. Registry is directed to list the case as O.A.</div><div>4. List on 19.09.2024.</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. 2)

Ex - A. No. 239 of 2022 Inre: O.A. No.618 of 2021

Ex Hav Sanjai Yadav
By Legal Practitioner for the Applicant : Shri VP Pandey, Advocate

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2024</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 VP Pandey, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents submits that this Execution Application has been filed for compliance of order dated 09.03.2022 passed in O.A. No 618 of 2021.He further submits that compliance of order has been stayed by Hon’ble High Court. Status report along with copy of stay order filed by the respondents is taken on record.</p> <p>3. List on 20.11.2024.</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(Sl. No. 3)

Ex - A. No. 69 of 2023 Inre: O.A. No.207 of 2022

Ex Hony Sub Maj Lal Bachan
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey , Advocate

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div>31.07.2024</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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Ms. Preeti Mala, Ld. Counsel for the respondents are present.</div><div>2. Learned counsel for the respondents submits that this Execution Application has been filed for compliance of order dated 17.11.2022 passed in O.A. No 207 of 2022. Cost of Rs 5,000/- has been deposited. He further submits that compliance of order has been stayed by Hon’ble High Court. Status report along with copy of stay order filed by the respondents is taken on record.</div><div>3. List on 21.11.2024.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>UKT/-</div></div> <div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div>

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

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

Ex - A. No.129 of 2023 Inre: O.A. No.59 of 2021

Ex Sgt Sudish Prasad Yadav Applicant
By Legal Practitioner for the Applicant : Shri Sudhir Kumar Singh , 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>31.07.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none"> 1. List revised. 2. On the case being taken up for hearing in the revised call, Shri Sudhir Kumar Singh, Ld. Counsel for the applicant is present through video conferencing. Shri Vishwesh Kumar, Ld. Counsel for the respondents is not present today. 3. Heard the Ld. counsel for the applicant and perused the records. 4. Compliance affidavit has not been filed by the respondents. 5. In this case, on 01.05.2024, it was submitted by the respondents that PPO has been issued on 26.02.2024. After filing objection by the applicant, respondents were directed to bring this fact on record but the compliance affidavit has not been filed. Copy of the PPO has also not been deposited. 6. Ld. counsel for the respondents is directed to file compliance affidavit alongwith copy of PPO dated 26.02.2024, within two weeks. 7. List on 30.09.2024. <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> </div> <div style="text-align: center;"> <p>(Justice Anil Kumar)</p> </div> </div> <p>RK/-</p>

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

Ex- A. No. 135 of 2023 Inre: T.A. No.22 of 2022

GpCapt (TS) Rajeev Moitra (Retd)
By Legal Practitioner for the Applicant : WgCdr SN Dwivedi (Retd), Advocate

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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 hearingWg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</div><div>2. Compliance report has not been filed. Cost has also not been deposited. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</div><div>3. 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 bedeposited in the Registry and shall be remitted to the applicant. Respondents are also directed to deposit the cost imposed earlier.</div><div>4. List on 05.09.2024.</div><div>5. 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>Member (A) Member (J)</div><div>UKT/-</div><div>(Justice Anil Kumar)</div></div></div>

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

Ex -A. No. 206 of 2023 Inre: O.A. No.769 of 2022

Ex L/NK Abdul Khalik

Applicant

By Legal Practitioner for the Applicant : Shri DS 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><u>31.07.2024</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 DS Tiwari, Ld. Counsel for the applicant and Dr.Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>2. Compliance report has not been filed. Cost has also not been deposited. Learned counsel for the respondents prays for further four weeks' time to file copy of RSMB along with compliance report.</p> <p>3. As prayed, four weeks further time is granted to file copy of RSMB along with compliance report failing which additional cost of Rs. 5,000/- shall be imposed which shall be deposited in the Registry and shall be remitted to the applicant. Respondents are also directed to deposit the cost imposed earlier.</p> <p>4. List on 14.08.2024.</p> <p>5. Copy of this order be provided to learned counsel for the respondents free of cost.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Anil Kumar) Member (J)</p> <p>UKT/-</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. 319 of 2023 Inre: O.A. No.822 of 2021

Ex Sep Pyare Lal
By Legal Practitioner for the Applicant : WgCdr SN Dwivedi (Retd), 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>31.07.2024</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 hearingWg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</div><div>2. Compliance report has been filed. Applicant was granted time to file objection on compliance report.</div><div>3. Learned counsel for the applicant submits that order under execution has been complied with and amount due to the applicant has been paid.</div><div>4. In view of above, the instant execution application stands disposed off having become infructuous as the order of this Tribunal has been complied with in full satisfaction.</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>

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

EX-A. No. 360 of 2023 Inre: O.A. No. 497 of 2021

Ex L/NK Ganga Singh
By Legal Practitioner for the Applicant : Col HM Maheshwari (Retd), Advocate

Applicant

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

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div><div><div>31.07.2024</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 hearingShri Saurabh Yadav, holding brief of Col HM Maheswari (Retd), Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present.</div><div>2. Compliance report has not been filed. Cost of Rs 5,000/- has been deposited. Learned counsel for the respondents prays for further four weeks’ time to file compliance report.</div><div>3. 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 bedeposited in the Registry and shall be remitted to the applicant. Respondents are also directed to deposit the cost imposed earlier.</div><div>4. List on 04.11.2024.</div><div>5. 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>Member (A) Member (J)</div><div>UKT/-</div></div><div>(Justice Anil Kumar)</div></div></div>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(Sl. No. 9)

EX-A. No. 45 of 2024 Inre: O.A. No. 535 of 2023

Ex WO Chandra Bhushan Ojha Applicant
By Legal Practitioner for the Applicant : Shri Mahendra Kumar Singh , Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2024</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 Mahendra Kumar Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</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 further time is granted to file compliance report failing which cost of Rs. 5,000/- shall be imposed which shall be deposited in the Registry and shall be remitted to the applicant.</p> <p>4. List on 08.11.2024.</p> <p>5. Copy of this order be provided to learned counsel for the respondents free of cost.</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(Sl. No. 10)

EX-A. No. 47 of 2024 Inre: O.A. No. 113 of 2023

Ex L/NK Rewadhar Chandola Applicant
By Legal Practitioner for the Applicant : Shri VP Pandey, Advocate
Shri RK Singh, Advocate
Shri Deepak Bhatt, 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>31.07.2024</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 VP Pandey, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</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 further time is granted to file compliance report failing which cost of Rs. 5,000/- shall be imposed which shall be deposited in the Registry and shall be remitted to the applicant.</p> <p>4. List on 08.11.2024.</p> <p>5. Copy of this order be provided to learned counsel for the respondents free of cost.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A) Member (J) UKT/-</p> <p>(Justice Anil Kumar)</p>

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

EX-A. No. 235 of 2024 Inre: O.A. No. 2 of 2023

Cdr Onkar Prasad Pattnaik (Retd) Applicant
By Legal Practitioner for the Applicant : Shri Santosh Singh, 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>31.07.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none"> 1. On the case being taken up for hearing Shri Santosh Singh, Ld. Counsel for the applicant is present before the Court and Shri Amit Jaiswal, Ld. Counsel for the respondents is present through video conferencing. 2. Compliance affidavit has not been filed by the respondents. 3. Ld. Counsel for the respondents submitted that Government sanction has been granted for conducting the RSMB and implementation of the order of this Tribunal is under process. He prays for and is granted further four weeks time to file Compliance Affidavit. 4. List on 02.09.2024. <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Anil Kumar) Member (J)</p> </div> </div> <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. 686 of 2023

Lt Col (Retd) Akash Sachan
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate
Shri SS Rajawat, Advocate

Applicant

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

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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 Saurabh Yadav holding brief for Shri Shailendra Kumar Singh, Ld. Counsel for the applicant is present before the Court and Shri RC Shukla, Ld. Counsel for the respondents is present through video conferencing.</div><div>2. This case was admitted on 02.06.2023. Several opportunities have been granted to the respondents to file counter affidavit. Despite availing several opportunities and even last opportunity counter affidavit has not been filed by the respondents.</div><div>3. Ld. Counsel for the respondents submits that para-wise comments are still awaited. He prays for and is granted further four week’s time to file counter affidavit on payment of cost of Rs. 5000/- in the Registry which shall be remitted to the applicant.</div><div>4. List on 08.10.2024.</div><div>5. Copy of the order be provided to the respondents/Legal Cell for compliance of the order.</div></div><div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) 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. 13)

O.A. No. 820 of 2023

Ex Dfr Dinesh Kumar ShrivastavaApplicant
By Legal Practitioner for the Applicant : Dr. Amit Asthana, Advocate
Ms. Alka Saxsena, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<div><div>31.07.2024</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 Dr. Amit Asthana, Ld. Counsel for the applicant andDr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</div><div>3. Counter affidavit filed by the respondents is already taken on record.</div><div>4. Ld. Counsel for the applicant submitted that he is not inclined to file rejoinder affidavit.</div><div>5. On request of Id. counsel for the parties, heard the matter and perused the records.</div><div>6. O.A is Partly allowed.</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)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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. 14)

O.A. No. 1171 of 2023

Ex Sep Pancha Nand Mishra

Applicant

By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate
Shri Amit Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Ms. Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>31.07.2024</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 Ms. Nisha Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present through video conferencing.</div><div>2. Counter affidavit filed by the respondents is taken on record.</div><div>3. Respondents are directed to provide a copy of the counter affidavit to the applicant within a week to which the rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.</div><div>4. List on 23.09.2024.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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. 15)

O.A. No. 1175 of 2023

Col RK Nikhil (Retd)

Applicant

By Legal Practitioner for the Applicant : Shri Aditya Singh Puar, Advocate
Shri Shobhit Shukla, Advocate
Shri SP Dorji, Advocate
Shri Raj Kumar Mishra, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Adesh Kumar Gupta, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>31.07.2024</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 Ms. Shalani Paur holding brief for Shri Aditya Singh Puar, Ld. Counsel for the applicant is present through video conferencing and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents is present before the Court.</div><div>2. Counter affidavit filed by the respondents is taken on record.</div><div>3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.</div><div>4. On the request of Id. counsel for the parties, heard the matter and perused the records.</div><div>5. O.A is Allowed.</div><div>6. Detailed order on separate sheets.</div><div>7. 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)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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. 16)

O.A. No. 1316 of 2023

Ex MWO Dipak Kumar Mondal
By Legal Practitioner for the Applicant : Shri Chaturbhuj Dwivedi, Advocate

Versus

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

Applicant
Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div>31.07.2024</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 Chaturbhuj Dwivedi, 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 filed by the respondents is already taken on record.</div><div>3. Ld. Counsel for the applicant has filed rejoinder affidavit which is also taken on record.</div><div>4. On the request of Id. counsel for the parties, heard the matter and perused the records.</div><div>5. O.A is Partly Allowed.</div><div>6. Detailed order on separate sheets.</div><div>7. 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)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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. 17)

O.A. No. 1504 of 2023

Ex LAC Raj Kumar Lal Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate
Shri Girish Chandra Tripathi, 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>31.07.2024</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 JN Mishra, 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 submits that para-wise comments have been received. He prays for and is granted further four weeks time to file Counter Affidavit.</p> <p>4. Shri Manoj Kumar Awasthi, Advocate appearing on behalf of the applicant submits that his name be deleted as counsel for the applicant as he is withdrawing his Vakalatnama. Registry is directed to delete his name as counsel for the applicant.</p> <p>5. List on 08.11.2024.</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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(Sl. No. 18)

O.A. No. 19 of 2024 with M.A. No. 22 of 2024

Nb Sub (HA) Virender Kumar
By Legal Practitioner for the Applicant :

Applicant
WgCdr Ajit Kakkar (Retd), Advocate
Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others
By Legal Practitioner for Respondents :

Respondents
Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant is present before the Court and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present through video conferencing.</div><div>2. Applicant was granted time to move correction application which has not yet been moved. Ld. Counsel for the applicant prays for and is granted a week’s further time to move correction application failing which this original application shall be dismissed for non-prosecution.</div><div>3. List on 05.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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. 162 of 2024

Sapper (DSV) Akhilesh Kumar Giri (Retd) Applicant
By Legal Practitioner for the Applicant : Shri Sarvesh Kumar Verma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri GS Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2024</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 Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit filed by the respondents is taken on record.</p> <p>3. Ld. Counsel for the applicant prays for and is granted two weeks and no more time to file rejoinder affidavit.</p> <p>4. List on 20.09.2024.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div> <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 : WgCdr 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>31.07.2024</u> <u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant is present before the Court and Shri Namit Sharma, Ld. Counsel for the respondents is present through video conferencing.There is a delay of more than 10 years in filing of Original Application. Ld. Counsel for the applicant has filed delay condonation application to which the respondents have also filed the objection. Objections are taken on record.Heard Ld. Counsel for the parties on delay condonation application and perused the records.Ld. Counsel for the respondents raised objection with regard to delay. He submits that there is more than 10 years of delay in filing this O.A but the delay has not been properly and satisfactorily explained on day-to-day basis. No documents have been annexed by the applicant in support of his averment for condoning the delay.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.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 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.Objections raised by the respondents with regard to delay are set aside. <p><u>O.A. No. 307 of 2024</u></p>

	<p>8. This Original Application has been filed for the grant of disability pension to the applicant. It is submitted by the Ld. Counsel for the applicant that applicant's claim has been wrongly rejected by the respondents.</p> <p>9. Case needs adjudication.</p> <p>10. Admit.</p> <p>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.</p> <p>12. List on 11.11.2024.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div>
	RK/-

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

O.A. No. 309 of 2024

Ex CPO LOG (Mat) Nabindra Kumar Pathak 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 GS Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2024</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 Rahul Pandey, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>2. Objection filed by the respondents to the maintainability of this original application is taken on record to which the reply, if any, may be filed by the applicant within two weeks.</p> <p>3. List on 17.10.2024.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div> <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. 368 of 2024

Sub Unas Ali

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>31.07.2024</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, 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 23.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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. 24)

O.A. No. 378 of 2024

Ex Hav (MACP Nb Sub) Ramesh Kumar
By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chauhan, Advocate

Applicant

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

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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 Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Alok 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 23.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div><div>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. 389 of 2024

Ex WO Pavan Kumar Sharma

Applicant

By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate
Shri Amit Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri GS Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><u>31.07.2024</u></div><div><u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u></div><div><u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></div></div> <div><div>1. On the case being taken up for hearing Ms. Nisha Pandey, Ld. Counsel for the applicant is present through video conferencing and Shri GS Sikarwar, Ld. Counsel for the respondents is present before the Court.</div><div>2. Counter affidavit filed by the respondents is taken on record.</div><div>3. Respondents are directed to provide a copy of the counter affidavit to the applicant within a week to which the rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.</div><div>4. List on 25.09.2024.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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. 26)

O.A. No. 391 of 2024

Sub (NT) Satish Kumar Kalbhor
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Applicant

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

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div><div><div>31.07.2024</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant is present. Ld. counsel for the respondents is not present today.</div><div>2. It is submitted by the Id. counsel for the applicant that the relief sought by the applicant has been granted by the respondents. As such, nothing remains in the matter to adjudicate and the O.A has become infructuous.</div><div>3. Since the O.A has become infructuous, the instant original application is dismissed as infructuous.</div></div><div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></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. 27)

O.A. No. 404 of 2024

Ex WO Dayanand Prasad
By Legal Practitioner for the Applicant : Shri Markandey Tiwari, Advocate

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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 Markandey Tiwari, Ld. Counsel for the applicant and Shri Pushpendra Mishra, 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 are still awaited. He prays for and is granted further four weeks time to file Counter Affidavit.</div><div>4. List on 04.11.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div></div> <div>RK/-</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. 604 of 2024 with M.A. No. 688 of 2024

Lt Col P Kumar (Retd)

Applicant

By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate
Shri Shashi Kant Chaturvedi, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Jai Narayan Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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. Memo of Appearance filed by Shri J.N Mishra, 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.</div><div>2. On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant is present through video conferencing and Shri Jai Narayan Mishra, Ld. Counsel for the respondents is present before the Court.</div><div>3. Ld. counsel for the respondents prays for and is granted two weeks time to file objection on delay condonation application and maintainability of this original application.</div><div>4. List on 18.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div></div>
	RK/-

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

T.A. No. 66 of 2023

Rajpal Singh
By Legal Practitioner for the Applicant : Shri Veer Raghav Chaubey, Advocate

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div>31.07.2024 <u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></div><div><div>1. List revised.</div><div>2. On the case being taken up for hearing in the revised call, Ld. Counsel for the parties are not present.</div><div>3. Applicant was granted time to supply the Bench Copy and also a copy of the petition to the respondents’ counsel. Copy has not yet been supplied.</div><div>4. Ld. counsel of the applicant is directed to supply a Bench copy and also a copy to the respondents’ counsel.</div><div>5. List on 26.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) 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. 398 of 2018

Lt Col CN Tembe (Retd) & Others

Applicants

By Legal Practitioner for the Applicants : Shri Arun Kumar, Advocate
Col RA Pandey (Retd), Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri RC Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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 Arun Kumar, Ld. Counsel for the applicant is not present today. Shri RC Shukla, Ld. Counsel for the respondents is present through video conferencing.</div><div>2. It is submitted by the Id. counsel for the respondents that similar matter is subjudice before the Hon’ble Apex Court.</div><div>3. List on 28.11.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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)

O.A. No. 488 of 2022

L/NK vipin Kumar Singh

Applicant

By Legal Practitioner for the Applicant :
Shri Ganga Prasad, Advocate
Shri Prasun Mishra, Advocate
Shri Santosh Kumar Gupta, 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
	<div><div><div>31.07.2024</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 none present for the applicant. Shri Ashish Kumar Singh, Ld. Counsel for the respondents is present.</div><div>2. List this case on 26.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Anil Kumar)</div><div>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. 32)

O.A. No. 1044 of 2023

Ex Cpl Dinesh Singh Negi
By Legal Practitioner for the Applicant : Shri VP Pandey, Advocate
Shri Deepak Bhatt, Advocate
Shri RK Singh, Advocates

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>31.07.2024</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 D.K. Dixit holding brief for Shri VP Pandey, Ld. Counsel for the applicant is present. Shri Shyam Singh, Ld. Counsel for the respondents is not present today.</div><div>2. List this case on 23.09.2024.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Anil Kumar)</div><div>Member (J)</div></div></div> <div>RK/-</div>