

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

M.A. No. 256 of 2020 Inre O.A. (Nil) of 2020

Pankaj Kumar Sahu Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present.</p> <p>List on 23.11.2020 for orders.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr/sb</p>

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

Dy. No. 2932 of 2019 Inre O.A. (Nil) of 2020

Ex MCPO I Rajpati Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Satendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri Sunil Sharma, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Ld. Counsel for the applicant prays for and is allowed two weeks time to remove the defects.</p> <p>List on 16.10.2020 for orders.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr/sb</p>

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

M.A. No. 63 of 2020 Inre O.A. (Nil) of 2020

Ex Hav (Hony Nb Sub) Rama Kant
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Ashish Kumar Singh, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Heard Shri Satendra Kumar, Ld. Counsel of the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, Ld. Counsel for the respondents submits that there being a delay of 10 years, 01 month & 15 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 270 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>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>List this case on 11.12.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr/sb</p>

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

O.A. No. 258 of 2020

UT (AA) Akash Singh Chahar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri BP Singh, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>On the case being taken up for hearing Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri BP Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Heard.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents are allowed four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks.</p> <p>List on 11.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr/sb</p>

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

O.A. No. 259 of 2020

EA (P) SS/APP Rameshwar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Asheesh Agnihotri, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;">Heard.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents are allowed four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks.</p> <p style="text-align: center;">List on 11.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>gsr/sb</p>

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

Ex-A/132 of 2019 Inre O.A. No 332 of 2017

Ex Sep (ACP-II) Surendra Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Yogesh Kesarwani, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Ashok Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;">As prayed, learned respondents' counsel is allowed two weeks time to file compliance report.</p> <p style="text-align: center;">Objection, if any, against compliance report may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List on 16.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>gsr/sb</p>

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

M.A. No. 253 of 2020 with M.A. No. 254 of 2020
Inre O.A. No. 204 of 2015

Union of India & Others By Legal Practitioner for the Applicants	Versus	Applicants
Rajendra Singh By Legal Practitioner for Respondent-Applicant		Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing, Shri Namit Sharma, Ld. Counsel for the applicant alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 204 of 2015. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is rejected.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr/sb</p>

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

Ex-A/112 of 2019 Inre O.A. No 87 of 2016

Ex Nk (TS) Diwan Singh By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">On the case being taken up for hearing Mrs. Kavita Belaura, Ld. Counsel for the applicant and Shri BP Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align:center">Shri BP Singh, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p style="text-align:center">List on 16.10.2020 alongwith M.A. No. 40 of 2020 for orders.</p> <table style="width:100%; border:none; margin-top:20px;"><tr><td style="width:50%; text-align:center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width:50%; text-align:center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>gsr/sb</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

T.A. No 1 of 2020

Ex Cpl Vinay Mohan By Legal Practitioner for the Petitioner	Petitioner
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Wg Cdr SN Dwivedi, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;">Shri Amit Jaiswal, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that he having not yet received copy of T.A. and counter affidavit is unable to proceed with case today.</p> <p style="text-align: center;">Learned counsel for the petitioner to furnish copy of T.A. and counter affidavit to learned counsel for the respondents and to file a bench copy of complete records of the T.A. in registry within a week.</p> <p style="text-align: center;">List on 14.12.2020 for hearing on admission of T.A.</p> <table border="0" style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>gsr/sb</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

Ex-A/123 of 2019 Inre O.A. No 171 of 2019

Ex Nk Shit Basant Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri GS Sikarwar, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Submission of Ld. Counsel for respondents is that in compliance, letter has been sent to PCDA (P), Allahabad for generating PPO.</p> <p>He prays for and is allow two weeks time to file compliance report.</p> <p>List on 14.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr/sb</p>

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

M.A. No. 540 of 2018 Inre O.A. (Nil) of 2018

Harish Chandra By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Ms Anju Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: justify;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p style="text-align: justify;">Per contra, Ld. Counsel for the respondents submits that there being a delay of 16 years, 04 months & 21 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p style="text-align: justify;">Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: justify;">Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: justify;">Let Original Application be registered.</p> <p><u>O.A. No. 272 of 2020</u></p> <p style="text-align: justify;">It is a fit case for adjudication. Admit.</p> <p style="text-align: justify;">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 style="text-align: justify;">List this case on 15.12.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center; margin-top: 20px;"> (Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J) </p> <p>gsr/sb</p>

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

M.A. No. 46 of 2020 Inre O.A. (Nil) of 2019

Ex Sep Jangle Nana Vithal
By Legal Practitioner for the Applicant

Applicant

Versus

**Second Appellate Committee on
Pension (SACP), New Delhi & Others**
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, Ld. Counsel for the respondents submits that there being a delay of 22 years, 08 months & 28 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned subject to payment of Rs 1,000/- (Rupees one thousand only) which shall be paid to AFT Bar Association. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 271 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>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>List this case on 15.12.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr/sb</p>

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

M.A. No 203 of 2019 Inre O.A. (Nil) of 2019

Hav (Pharm) Pavitra Mohan Dhal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col BP Singh (Retd), learned counsel for the applicant and Sri Namit Sharma, Ld. Counsel for the respondent alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Short counter affidavit filed today in Registry by the respondents is taken on record.</p> <p>Original Application has been filed with delay of 1 year, 9 months and 17 days. Submission of learned counsel for the applicant is that delay in filing O.A. is not deliberate, but on account of reasons stated in application. His further submission is that after receiving the letter dated 17.08.2016 regarding cancellation of promotion cum- posting order, from Army Medical Corps Record, applicant made certain requests to the authorities concerned, by way of interviews, personnel application, official letters from unit, application under RTI Act dated 04.05.2018, 17.11.2018 and signals from unit dated 03.10.2018 and 31.10.2018 for the readdressal of his grievances but no fruitful result came out. His further submission is that applicant was earlier being handled by Sri PN Chaturvedi, Advocate who died on account of illness. Further submission is that after the death of Sri PN Chaturvedi, Advocate, he contacted Col BP Singh, (Retd), Advocate, for prosecuting his case, and, in this process, lot of time was consumed. Thus, his submission is that delay was not deliberate.</p> <p>Per contra, Sri Namit Sharma, learned counsel for the respondents submits that applicant's promotion was cancelled due to disciplinary proceedings initiated against him. He further submits that after the applicant being cleared in disciplinary proceedings, his matter was considered and he has been notionally promoted to the rank of Nb Sub vide Army Medical Corps</p> <p>Records promotion cum posting order dated 23.05.2019, Thus, his submission</p>

is that applicant's grievances have been addressed by the respondents, and, in view of this, O.A. has become infructuous and be dismissed as such.

Further submission of learned counsel for the respondents is that there is an inordinate delay of more than 1 year, 09 months and 17 days, which the applicant has failed to properly explain.

We have gone through letter dated 23.05.2019 of Army Medical Corps Record Office, copy whereas has been filed as Annexure No. SCA-1, to the short counter affidavit and have noticed that applicant's grievances regarding promotion only has been addressed by the respondents. As regards consequential benefits as claimed in O.A, there is no mention in this regard in the letter. Thus, lis in the O.A. still remains.

Regarding delay, applicant has given a detailed account why O.A. could not be filed on time. Grounds shown in application seem to be genuine and sufficient.

Accordingly, we condone the delay on payment of Rs. 1000/- as cost which shall be payable to AFT Bar Association. Application stands disposed of.

Let O.A. be registered.

O.A. No. 277 of 2020

Heard. It is a fit case for adjudication.

Admit.

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.

List this case on **16.12.2020** before the Registrar Court for exchange of pleadings.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-

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

M.A. No. 343 of 2019 Inre O.A. (Nil) of 2019

Sub Birendra Singh (Retd) By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col YR Sharma (Retd), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, Ld. Counsel for the respondents submits that there being a delay of 02 years, 06 months & 06 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned subject to payment of Rs 500/- (Rupees five hundred only) which shall be paid to AFT Bar Association. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 267 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>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>List this case on 16.12.2020 before the Registrar Court for exchange of pleadings.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 10px;">gsr/sb</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 234 of 2018

Kunwar Singh Shakya By Legal Practitioner for the Applicant	Versus	Applicant
Chief of Army Staff & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Mrs. Kavita Belaura, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: justify;">As prayed, two weeks further time is allowed to the respondents to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List on 08.01.2021 for orders.</p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>GSR/SB</p>

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

M.A. No. 281 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Sepoy Sanjay Thakur Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel of the applicant and Shri Shyam Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>There is a delay of 03 months and 03 days in filing Original Application.</p> <p>The submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of facts stated in affidavit filed in support of the application.</p> <p>Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay by the applicant is not satisfactory, hence delay should not be condoned.</p> <p>Grounds given in the affidavit filed in support of application seems to be genuine and sufficient. Accordingly, we condone the delay subject to payment of cost of Rs. 500/- which will be deposited in AFT Bar Association. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 268 of 2020</u></p> <p>Heard. It is a fit case for adjudication.</p> <p>Admit.</p> <p>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>List this case on 18.12.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/SB</p>

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

M.A. No. 1715 of 2018 Inre : O.A. No. (Nil) of 2018

Ex Hav (Hony Nb Sub) Gulab Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Mrs. Kavita Belaura, Ld. Counsel of the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;">As prayed, and as a last chance, a week time is allowed to applicant's counsel to file reply.</p> <p style="text-align: center;">List on 14.10.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/SB</p>

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

M.A. No. 357 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Nk Kamal Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Present : Shri Rajiv Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. Learned counsel for the applicant is reported to be out of station. List on 14.12.2020 for orders.</p> <table style="width: 100%;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>GSR/SB</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

M.A. No. 1246 of 2018 Inre : O.A. No. (Nil) of 2018

Sub (RT) Ravindra Nath Jha
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri S.G. Singh, Ld. Counsel of the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>There is a delay of 01 year, 09 months and 27 days in filing Original Application.</p> <p>The submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of facts stated in affidavit filed in support of the application.</p> <p>Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay by the applicant is not satisfactory, hence delay should not be condoned.</p> <p>Grounds given in the affidavit filed in support of application seems to be genuine and sufficient. Accordingly, we condone the delay subject to payment of cost of Rs. 500/- which will be deposited in AFT Bar Association, Lucknow. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 274 of 2020</u></p> <p>Heard. It is a fit case for adjudication.</p> <p>Admit.</p> <p>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>List this case on 18.12.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/SB</p>

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

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

M.A. No. 1912 of 2017 Inre : O.A. No. (Nil) of 2017

Neeraj Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel of the applicant and Shri Shyam Singh, Ld. Counsel for the respondent Nos. 1 to 9 & 13 are present.</p> <p>Despite there being service upon respondent No. 15, he has not made his appearance. Original Application shall proceed ex-parte against him.</p> <p>As regards respondent Nos. 10, 11, 12, 14 & 16 to 18, learned counsel for the applicant submits that applicant does not intend to press Original Application against them.</p> <p>In view of above, there is no need to serve notice upon all aforesaid respondents.</p> <p>There is a delay of 03 months and 10 days in filing Original Application.</p> <p>The submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of facts stated in affidavit filed in support of the application.</p> <p>Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay by the applicant is not satisfactory, hence delay should not be condoned.</p> <p>Grounds given in the affidavit filed in support of application seems to be genuine and sufficient. Accordingly, we condone the delay subject to payment of cost of Rs. 500/- which will be deposited in AFT Bar Association, Lucknow. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 266 of 2020</u></p> <p>Heard. It is a fit case for adjudication.</p> <p>Admit.</p> <p>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>List this case on 16.12.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/SB</p>

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

O.A. No. 429 of 2017

Pramod Kumar By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel of the applicant and Shri A.N. Tripathi, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>In this case despite last opportunity was given to the respondents to file counter affidavit on 01.07.2019, no counter affidavit has been filed rather time is again sought for filing the same.</p> <p>This is highly objectionable. However, in the interest of justice, one more chance for filing counter affidavit within two weeks is given on payment of Rs. 1000/- as cost and it is made clear that if the supplementary affidavit is not filed within the provided time, opportunity shall stand closed without any reference of this Tribunal.</p> <p style="text-align: center;">List on 10.12.2020 for orders.</p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p style="margin-top: 10px;">GSR/SB</p>

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

M.A. No. 407 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Nk/Clk Rakesh Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel of the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>There is a delay of 08 months and 26 days in filing Original Application.</p> <p>The submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of facts stated in affidavit filed in support of the application.</p> <p>Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay by the applicant is not satisfactory, hence delay should not be condoned.</p> <p>Grounds given in the affidavit filed in support of application seems to be genuine and sufficient. Accordingly, we condone the delay subject to payment of cost of Rs. 500/- which will be deposited in AFT Bar Association, Lucknow. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 273 of 2020</u></p> <p>Heard. It is a fit case for adjudication.</p> <p>Admit.</p> <p>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>List this case on 15.12.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>GSR/SB</p>

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

O.A. No. 471 of 2018

Ex Nk Sunil Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Gyan Singh Chauhan, Ld. Counsel of the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 06.01.2021 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/SB</p>

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

O.A. No. 609 of 2018

Ram Sabad Singh & another

By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Mrs. Kavita Belaura, Ld. Counsel of the applicants and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Pleadings are complete and the case is ripe for hearing. List on 07.01.2021 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/SB</p>

