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

Ex. A. No. 106 of 2019 Inre : O.A. No. 275 of 2017

Smt. Seeta Devi [W/.o Ex. Cfn. (Late) Ram Bahadur Singh] 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondent Nos. 1 to 5 are present. Shri Vinay Pandey, learned counsel for respondent No. 6 is also present and he submits that due to lack of certain document being not provided by EME Records, Secunderabad, disability pension could not be credited in applicant's account. On this, submission of learned counsel for the respondent Nos. 1 to 5 is that bank may be directed to furnish copy of its reply to respondent Nos. 1 to 5 so that to go through that to make compliance, if any. Respondent No. 6 is directed to furnish copy of affidavit to the Legal Cell of Respondent No. 1 to 5 within three days who after receipt of same shall go through it and make necessary compliance as required within four weeks. List on **20.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 2758 of 2016 with M.A. No. 698 of 2018, M.A. No. 2034 of 2017
Inre : O.A. (A) No. (Nil) of 2016

Smt. Firoz Bano Wife of Mohd. Yunus Khan (Deceased) 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vinay Kumar Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. There is delay of 08 years, 09 months and 06 days in filing Original Application. Learned counsel for the applicant submits that applicant had preferred an appeal against Summary Court Martial Proceedings dated 21.12.2007 but no decision was taken in the said appeal. Further submission is that applicant's daughter Ms. Farheen Khan was by birth a side week and was unable to hear from both ears and for her treatment applicant came on temporary attachments in 41 Infantry Brigade, Central Command, Lucknow in the year 2004 and since then her treatment went on till 2009. Further, another daughter Ms. Neha Khan was also suffering from severe disease and her treatment also started in Lucknow and in the meantime Farheen Khan also became ill and her treatment started in Lucknow as a result to which applicant could not approach the Tribunal. Furthermore, in the year 2010 applicant's wife also became seriously ill due to Esinophilia and her treatment started and the applicant himself became heart patient in the year 2013 and underwent an open heart surgery for the same, as a result he could not approach the tribunal. Thus, submission of learned counsel for the applicant is that delay in filing Original Application is not deliberate but for the reasons stated above. In reply, learned counsel for the respondents submits that there is inordinate delay of more than 10 years in filing application and the same has not been properly and satisfactorily explained therefore application deserves rejection. Upon hearing submission of learned counsel for both sides and considering the facts and circumstance of the case as well as documentary

	evidence filed in support of said grievance, we find that grounds shown is sufficient. Accordingly, we condone the delay Let Original Application be registered. **<u>O.A. No. 667 of 2020</u>** 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 on **29.04.2021** before the Registrar for exchange of pleadings. List before the Tribunal on **19.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 505 of 2019 Inre : O.A. No. (Nil) of 2019

Smt. Prabhavati W/o Ex. Hav. (Hony. Nb. Sub.) Late Ram Narain 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative. Learned counsel for the applicant submitted that the applicant is eligible for grant of revised rate of family pension with effect from 01.01.2006 in terms of letter dated 12.06.2009 as the husband of the applicant was granted honorary rank of Naib Subedar after retirement. Learned counsel for the respondents opposed the prayer submitting that applicant's husband died on 18.11.2005 hence after the death of husband, the applicant is not entitled to the revised rate of family pension of honorary rank of Naib Subedar vide Government of India, Ministry of Defence letter No. 1(8)/2008-D (Pen/Policy) dated 12.06.2009 as the benefit was not extended to the Havildars who were granted the rank of honorary Naib Subedar, retired prior to 01.01.2006. Upon hearing learned counsel of both sides and perusing the record, we find that husband of the applicant died on 18.11.2005 and pension to the rank of honorary Naib Subedar has been made admissible from 01.01.2006 only hence the applicant is not entitled to revised rate of family pension and the Original Application is liable to be rejected being not maintainable.. Accordingly, Original Application is **dismissed.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 516 of 2019 with M.A. No. 517 of 2019, M.A. No. 520 of 2019, M.A. No. 521 of 2019 Inre : M.A. No. 2145 of 2017 Inre : O.A. No. (Nil) of 2017

Smt. Rajeshwari W/o (Late) Ex. Sep. Kashmir Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present. **M.A. No. 516 of 2019** This is an application for condonation of delay in filing recall application which is delayed by 23 days. The grounds shown in the affidavit filed in support of the application seems sufficient. Accordingly, application is allowed and the delay in filing recall application is condoned. **M.A. No. 517 of 2019** This is an application for recall of order dated 29.03.2019 passed in M.A. No. 2145 of 2017 Inre O.A. No. (Nil) of 2017 by which the Original Application was dismissed for non-prosecution. The grounds shown in the recall application seem to be sufficient. Accordingly, the application is allowed and the order dated 29.03.2019 passed by this Tribunal is hereby recalled. Let the Original Application be restored to its number. **M.A. No. 520 of 2019** This is an application for condonation of delay in filing substitution application which is delayed by 17 days. The grounds shown in the affidavit filed in support of the application for condonation of delay seem to be sufficient. Accordingly, the application for condonation of delay is allowed and the delay in filing substitution application is condoned. **M.A. No. 521 of 2019** Substitution application is allowed. Let amendment be incorporated within a week. **M.A. No. 2145 of 2017 Inre : O.A. No. (Nil) of 2017** Pleadings are complete. List on **29.04.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** SB

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

Ex. A. No. 114 of 2019 Inre : O.A. No. 175 of 2018

Col. Satyendra Singh (Retd.) 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present. Shri Rajeev Tiwari is also present on behalf of PCDA (Pension) Allahabad and he submits that in compliance to order PPO was generated on 14.11.2019. He further submits that Rs. 19,54,463 has already been credited in applicant's account in December, 2019 and, besides above, retiral pension Rs. 92,855/- and disability element Rs. 27,857/- is also being regularly credited in the account. With regard to above, submission of learned counsel for the applicant is that some time be given to check the aforesaid facts which is allowed. List on **04.01.2021** by which date applicant shall clarify the position regarding payment and respondents shall also file affidavit of compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

Ex. A. No. 75 of 2019 Inre : O.A. No. 380 of 2012

Ex. Hav. (Hony. Nb. Sub.) Balak Ram 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Learned counsel for the applicant submits that despite PPO issued on 24.04.2017 nothing has been credited in applicant's account. Respondents to file affidavit of compliance within four weeks from today. Applicant is also directed to get Passbook updated till date and file entries of the same by the next date. List on **20.01.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 459 of 2019 Inre : O.A. No. (Nil) of 2019

Smt. Susheela Devi Wife of Sep. (Late) Ram Dulare 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 31 years, 11 months & 10 days. 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 in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 666 of 2020** 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 on **30.04.2021** before the Registrar for exchange of pleadings. List before the Tribunal on **20.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 587 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Dhan Pati 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 09 years, 06 months & 18 days. 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 in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 665 of 2020** Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 245 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Rfn. Laxman Singh Applicant
By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 04 years, 04 months & 11days. Learned counsel for the applicant submits that delay in filing application is not deliberate. He further submits that applicant developed mental illness while availing annual leave with effect from 20.10.2015 and being under treatment for a long time could not join the duty. He further submits that the fact regarding applicant's illness was informed to the authorities concerned but they did not pay any heap to it rather dismissed him from service. In reply, learned counsel for the respondents submits that there is delay of more than 4 years and the same has not been satisfactorily explained. Upon hearing submissions of both sides and considering the facts and circumstances of the case we find that cause shown is sufficient. Accordingly, we condone the delay. Let Original Application be registered. **O.A. No. 648 of 2020** 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 on **30.04.2021** before the Registrar for exchange of pleadings. List before the Tribunal on **20.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 104 of 2018 with M.A. No. 105 of 2018 Inre : T.A. No. 123 of 2010

Jayant Ram Verma 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. Learned counsel for the applicant submitted that Transferred Application was dismissed in default on 31.10.2012 and applicant had filed an application to recall the said order on 27.12.2017 with delay of 05 years and 01 month alongwith an application for condonation of delay. The said recall application was filed by Shri P.N. Chaturvedi, Advocate who later expired on account of illness. His further submission is that after death of Shri P.N. Chaturvedi, applicant engaged the present counsel who noticed that certain vidal facts are not mentioned in affidavit filed in support of application for condonation of delay due to inadvertence. He further submits that matter pertains to disability pension which has been wrongly denied by the respondents. He also submits that applicant could not contact his earlier counsel Shri Sandeep Sharma on account of one or other reasons and in the meantime fell ill due to Typhoid fever and his Son-in-law died on account of his illness and he being busy in taking care of his daughter and his minor son could not approach the Tribunal earlier. Thus, submission is that delay in filing is not deliberate but for the reasons stated. Learned counsel for the respondents has vehemently opposed the prayer and submitted that there is inordinate delay of more than 5 years and the same has not been satisfactorily explained. Upon hearing submissions of both sides and considering the facts and circumstances of the case we find that cause shown is sufficient. Accordingly, we condone the delay and allow recall application. Delay condonation application and recall application stand decided accordingly. Let T.A. be restored to its number. **T.A. No. 123 of 2010** Pleadings have been exchanged between the parties. List for final hearing on **13.01.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 501 of 2018

Smt. Geeta Pal 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashish Kumar Singh and Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **24.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 371 of 2018

Mohd. Sabbir 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Girish Tiwari and Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present. Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. (A) No. 105 of 2015

Trilok Dutt Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Nishant Verma, Ld. Counsel for the appellant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **22.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 402 of 2018

Ex. Sub. Prasanth M. Kurup 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Pankaj Kumar Shukla and Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. No rejoinder affidavit has been filed despite time being taken for the same, hence opportunity for filing the same is closed. List on **23.03.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 554 of 2018 with M.A. No. 159 of 2020
along with O.A. No. 23 of 2014 (Decided)

Ranbir Kumar 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rang Nath Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. It is submitted that after exchange of pleadings between the parties, applicant died on 21.05.2020. It is further submitted that substitution application has been filed to bring applicant's legal heirs on record and the said application is in time. In view of above, substitution application is allowed. Let necessary amendments in Original Application be made within a week. Applicant is also directed to serve copy of amended pleadings to learned counsel for the respondents within the aforesaid period. List on **15.03.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

T.A. No. 11 of 2018

Shatrughan Kumar Pande Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. List on **19.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 320 of 2018

Binod Kumar 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Aggrieved by non-grant of benefit of Assured Career Progression (ACP) and Modified Assured Career Progression (MACP), the present Original Application has been preferred under section 14 of the Armed Forces Tribunal Act 2007 claiming the following reliefs: *(i). That this Hon'ble Tribunal may kindly be pleased to direct the opposite parties to grant the benefits of MACP-III with all consequential benefits including terminal benefits w.e.f. 01.01.2006, to the applicant, with compound interest @ 18% p.a. from due date to till the date of actual and final payment of the amount in the interest of justice.* *(ii) That this Hon'ble Tribunal may kindly be pleased to award the cost Rs. 20,20,000/- (Rupees Twenty Lac and Twenty Thousand only) to the applicant against the opposite parties and allow the same.* *(iii) That this Hon'ble Tribunal may be pleased to pass any other order or direction which this Hon'ble Court may deem just and proper be passed in favour of the applicant.* 2. The factual matrix on record is that the applicant was enrolled in the Army on 03.08.1982 and was discharged on 31.08.2008 (AN) on fulfilling the condition of his service after rendering about 26 years of service. Grievance of the applicant is that he has been denied benefit of IIIrd Military Assured Career Progression (MACP) in contravention to the recommendation of the 6th Central Pay Commission on completion of 24 years of service or 08 years in the rank of Havildar, hence the instant O.A has been filed. 3. Submission of learned counsel for the applicant is that by placing restriction of benefit to PBORs who retired pre 01.09.2008 is violative of Article

	14 of the Constitution of India. It is submitted that Article 14 of the Constitution ensures equality before law. The respondents have erred in law by differentiating one set of persons from another and there is neither any rationale behind the classification nor any nexus to the object sought to be achieved by making the classification. Learned counsel for the applicant submitted that as the old Assured Career Progression (ACP) Scheme was applicable for granting the benefit after 10 and 20 years of service when a person could not be promoted to the next rank due to stagnation of other reasons but on the implementation of the 6th Central Pay Commission with effect from 01.01.2006, ACP was changed to Modified Assured Career Progression (MACP) giving three financial upgradation at intervals of 08, 16 & 24 years of service. Since the applicant had completed 24 years of service therefore, he is eligible for MACP-III which has not been granted by the respondents. 4. Learned counsel for the respondents in rebuttal submitted that MACP Scheme was made applicable to all PBORs but the Government decided to implement it from 01.09.2008. The cut off date so fixed by the Government for implementation of the modified scheme was well within the competence of the Government. Learned counsel for the respondents further submitted that as per letter dated 07.08.2003 of the Government of India, Ministry of Defence, Sepoy and equivalent are entitled for grant of financial upgradation in the pay scale of Naik and equivalent after completion of 10 years of service and second upgradation to the pay scale of Havildar and equivalent for next 10 years after first upgradation which has been granted to the applicant. The date of implementation of the MACP Scheme is with effect from 01.09.2008. As per Ministry of Defence letter No. 14(1)/99-D (AG) dated 30 May 2011, the Govt. had considered the recommendation of the 6th CPC and introduced MACP scheme wherein it has been accepted for further modification to grant three financial upgradation under the MACP scheme at intervals of 08, 16 & 24 years of continuous regular service vide Integrated HQ of MOD (Army) letter No. B/33513/ACP/AG/PS-2 (c) dated 13 June 2011 which was effective for only those personnel who were in service on or after 01.09.2008. In the instant

case, the applicant was discharged from service w.e.f. 31.08.2008 (AN), hence he is not entitled for third financial upgradation under the benefits of MACP Scheme.

5. We have heard Shri Vijay Kumar Pandey, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents and perused the record.

6. Learned counsel for the applicant has placed reliance on judgment and order of Coordinate Bench of Armed Forces Tribunal, Chandigarh, Regional Bench order dated 21.05.2014 passed in O.A. No. 619 of 2013 ***Daya Nand vs. Union of India and others*** whereby the Tribunal has directed the scheme to be implemented from 01.01.2006. The relevant portion is reproduced as under:

> *"16. We are clear in our mind that the Government can decide to grant the pay scales from one date and in so far as other allowances are concerned, they can grant it from a separate date as mentioned above since because of financial implications, time gap etc. the Government may in its wisdom can decide to grant the allowances from a future date. For example when a sumptuary allowance is raised, it cannot be made retrospective since the employee cannot spend it now and it will be spent as per the permissible limit after it is granted to him. Therefore, in so far as the allowances are concerned, the Government decided to revise them w.e.f. 01.09.2008 which point is not in issue and we are not going to look into that aspect. However, we are clear that the implementation of the pay structure as well as pension was revised w.e.f. 01.01.2006 and its gazette notification must have been issued after the Cabinet had taken a decision in this regard. The subsequent letters issued as referred to above, in the nature of clarification by the Ministry and by giving a different date i.e. 01.09.2008 that this scheme would be applicable from 01.09.2008 cannot be said to be giving power to the Ministry to issue the instructions once they had issued the instructions in regard to pay and allowances to be applicable from 01.09.2008 and there is nothing on record to shown that fresh cabinet decision was taken and it was duly notified and then it was sought to be implemented.*
> *17. The scheme was clear that this ACP was to be granted after 8, 16 and 24 years of service and the applicability of this scheme as per AnexureA-3 dated 03.08.2009 was also clarified vide which it was clarified that the new ACPs would be applicable w.e.f. 01.01.2006 and the old provisions would be applicable till 31.12.2005. Thereafter the subsequent letter issued by the Ministry clarifying that these instructions will be applicable from 01.09.2008 cannot be said to be in consonance with the decisions already notified in the gazette.*
> *18. It follows from the above discussion that the new ACP forms part of the pay structure and affects the pension which as per the gazette notification was made applicable from 01.01.2006 and does not form part of the allowances which were notified to be applicable from a different date i.e. 01.09.2008 and, therefore, the subsequent letter revising the date of application of these provisions as 01.09.2008 cannot be said to be correct. Consequently, the petitioner and similarly placed persons shall be entitled to be considered for the grant of ACP depending upon the facts of their cases and it would be considered w.e.f. 01.01.2006."*

7. Learned counsel for the applicant also placed reliance on judgment and order dated 17.07.2013 of the Armed Forces Tribunal, Regional Bench, Kochi passed in O.A. 103 of 2011: ***Ex Havildar Abraham. C.U. and others vs. Union of India and others*** whereby the Tribunal has directed the scheme to

be implemented from 01.01.2006. The operative portion of the order is reproduced as under:

> *"10. The Original Application is disposed of with the direction to the respondent No.1 to consider the claim of the applicants for implementation of the Modified Assured Career Progression Scheme with effect from 1.1.2006 instead of 1.9.2008. The respondent No.1 while considering the applicants' matter will have to give due consideration their representations also. The respondent No.1 to take appropriate decision expeditiously, preferably within six months from the date of receipt of a copy of the representation."*

8. Hon'ble Supreme Court in Civil Appeal Diary No. 3744 of 2016, ***Union of India & Others vs. Balbir Singh Turn & another*** and other connected cases had the opportunity to consider the same issue. Upon consideration of the MACP Scheme as applicable to the Armed Forces with regard to PBORs who retired after 01.01.2006 but prior to 31.08.2008, in paras 6, 7, 10 and 11 held as under:

> *"6. The question that arises for decision is whether the benefit of MACP is applicable from 01.01.2006 or from 01.09.2008.*
> *7. The answer to this question will lie in the interpretation given to the Government Resolution, relevant portion of which has been quoted hereinabove. A bare perusal of Clause (i) of the Resolution clearly indicates that the Central Government decided to implement the revised pay structure of pay bands and grade pay, as well as pension with effect from 01.01.2006. The second part of the Clause lays down that all allowances except the Dearness Allowance/relief will be effective from 01.09.2008. The AFT held, and in our opinion rightly so, that the benefit of MACP is part of the pay structure and will affect the grade pay of the employees and, therefore, it cannot be said that it is a part of allowances. The benefit of MACP if given to the respondents would affect their pension also.*
> *10. As already held by us above, there can be no dispute that grant of ACP is part of the pay structure. It affects the pay of the employee and he gets a higher grade pay even though it may be in the same pay band. It has been strenuously urged by Col. R. Balasubramanian, learned counsel for the UOI that the Government took the decision to make the Scheme applicable from 01.09.2008 because many employees would have lost out in case the MACP was made applicable from 01.01.2006 and they would have had to refund the excess 10 amount, if any, paid to them. His argument is that under the old Scheme if somebody got the benefit of the ACP he was put in the higher scale of pay. After merger of pay scales into pay bands an employee is only entitled to higher grade pay which may be lower than the next pay band. Therefore, there may be many employees who may suffer.*
> *11. We are only concerned with the interpretation of the Resolution of the Government which clearly states that the recommendations of 6th CPC as modified and accepted by the Central Government in so far as they relate to pay structure, pay scales, grade pay etc. will apply from 01.01.2006. There may be some gainers and some losers but the intention of the Government was clear that this Scheme which is part of the pay structure would apply from 01.01.2006. We may also point out that the Resolution dated 30.08.2008 whereby the recommendation of the Pay Commission has been accepted with modifications and recommendations with regard to pay structure, pay scales, grade pay etc. have been made applicable from 01.01.2006. This is a decision of the Cabinet. This decision could not have been modified by issuing executive instruction. The letter dated 30.05.2011 flies in the face of the Cabinet decision reflected in the Resolution dated 30.08.2008. Thus, administrative instruction dated 30.05.2011 is totally ultra vires the Resolution of the Government."*

	9. The case of the applicant is squarely covered by the decision of the Armed Forces Tribunal, Regional Bench Chandigarh (supra), Armed Forces Tribunal, Regional Bench Kochi (supra) and the decision rendered by the Hon'ble Supreme Court (supra) and we feel that the same directions be issued to the respondents to consider the claim of the applicant for implementation of the MACP Scheme from 01.01.2006 instead of 01.09.2008. 10. The Original Application is disposed of with the direction to the respondents to consider the claim of the applicant for implementation of the Modified Assured Career Progression Scheme with effect from 01.01.2006 instead of 01.09.2008. While considering the case of the applicant due consideration to the representations of the applicant shall also be given. The respondents shall take appropriate decision expeditiously, preferably within four months from the date of receipt of a copy of this order. 11. No order as to costs. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 551 of 2019with M.A. No. 850 of 2019

Ex. MWO Anirudh Rai 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. The Original Application has been filed with delay of 17 years and 02 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. Their further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 551 of 2019** Counter Affidavit filed by the respondents and Rejoinder Affidavit filed by the applicant are taken on record. Heard. Original Application is partly allowed. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 643 of 2020

Ex. Sep. Markandey Singh Yadav 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Kavita Belaura, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Ms. Kavita Belaura, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents, list on **15.12.2020.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 412 of 2020 Inre : O.A. No. 46 of 2016

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Smt. Munni Devi Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Amit Jaiswal, Ld. Counsel for the applicants and Shri Veer Raghav Chaubey, Ld. Counsel for the respondent are present. Misc. Application is disposed of with the direction that there being no dispute regarding identity of the applicant her name as entered in service record may be treated with the applicant for necessary compliance. Modification application stands disposed of accordingly. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. no. 18 of 2020 Inre : O.A. No. 244 of 2018

Ex. Nb. Sub. Surendra Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Anju Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. As prayed and, as a last chance, respondents are allowed a week's time for filing affidavit of compliance. List on **16.12.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 83 of 2019 Inre : O.A. No. 61 of 2014

Sukhvir Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Ld. Counsel respondents prays for and is allowed two weeks time to file affidavit of compliance. List on **17.12.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 220 of 2018 Inre : O.A. (A) No. 327 of 2015

Ex. Nk. (MT) Arun Kumar Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondent Nos.1 to 3 are present. Affidavit of compliance filed by the respondents Nos. 1 to 3 is taken on record. Shri Rohit Kumar, Ld. Counsel for the applicant submits that order under execution has been complied with. Accordingly, Execution Application is **dismissed** in full and final satisfaction. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 69 of 2019 Inre : O.A. No. 583 of 2017

Ex. Sep. Ajay Kumar Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col. Rakesh Johri (Retd.), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. Col. Rakesh Johri (Retd.), Ld. Counsel for the applicant submitted that applicant has been reinstated in service on 25.09.2020 in compliance of the order. However, 50% of the back wages has not been paid nor the pay and allowances are being paid from the date of reinstatement. Respondents are directed to make complete compliance of the order within four weeks and to file affidavit of compliance. List on **14.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 1628 of 2018 with R.A. No. 57 of 2018 Inre : T.A. No. 27 of 2010

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Maj. Gen. Nilendra Kumar Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Dr. Shailendra Sharma Atal, Ld. Counsel for the applicants and Shri Deepak Seth, Ld. Counsel for the respondent are present. This is an application for condonation of delay in filing review application in T.A. No. 57 of 2010. Admittedly, the application is time barred and has been moved beyond statutory period. Ld. Counsel for the respondents has relied upon order dated 10.04.2018 passed by the Armed Forces Tribunal, Principal Bench, in R.A. no. 1 of 2018 Union of India and Others Versus Ex. JWO Jagbir Singh and Others and order dated 17.02.2016 passed by this Tribunal in R.A. No. 19 of 2015 Major General R.S. Rathore Versus Brig. N.K. Mehta and others. The above orders are not applicable in this case as the facts and circumstances of those cases are different. 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 review application. Accordingly application for condonation of delay in moving review application is not maintainable and is **rejected**. In consequence thereof Review Application is also **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 56 of 2018 Inre : O.A. No. 303 of 2016

Rajiv Tondon 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Shri K.K. Misra, Ld. Counsel for the applicant informs regarding death of applicant and submitted that some time be given to him to file substitution application. Let substation application be filed within two weeks. List on **16.02.2021** by which date respondents shall also file affidavit of compliance regarding payment of disability pension to the deceased applicant. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 16 of 2020 Inre : O.A. No. 152 of 2019

Ex. Hav. Jaggan Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Shri K.K. Misra, Ld. Counsel for the applicant submits that order under execution has been complied with. Accordingly, Execution Application is **dismissed** in full and final satisfaction. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 1324 of 2018 Inre : O.A. No. (Nil) of 2018

Mahender Pal Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.K. Misra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents. The Original Application has been filed with delay of 12 years and 24 days. 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 in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 663 of 2020** Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 41 of 2020

Ex. Hav. Triloki Nath Ojha 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondent Nos. 1 to 3 are present. None appears on behalf of respondent No. 4 to represent its cause nor any reply is filed. In the circumstances respondent Nos. 1 to 3 are directed to file Counter Affidavit, if any, within four weeks from today. List on **19.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 96 of 2019

Ex. MWO (Hony. Flg. Offr.) Gaya Prasad Pandey 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none appears on behalf of the applicant to represent his cause nor Rejoinder Affidavit is filed, therefore, opportunity to file the same is closed. Shri Asheesh Agnihotri, Ld. Counsel for the respondents is present. Since Ms. Kavita Belaura, Advocate has been empanelled as Central Government, her name be deleted as Counsel for the applicant from the cause list. List on **20.01.2021** by which date respondents shall file medical documents relating to applicant's disability as the same have not been filed by the applicant. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. (A) No. 197 of 2015

Ex. LAC Shubham Yadav Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the appellant and Mrs. Deepti Prasad Bajapai, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **05.05.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 665 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Nk. Shishpal Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Manoj Kumar Awasthi , Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. The Original Application has been filed with delay of 02 years and 23 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. Their further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 664 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed three weeks time to file Counter Affidavit. List on **22.01.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 488 of 2019

Ex. Nk. Chaman Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Heard. Original Application is allowed. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

T.A. No. 6 of 2019

Ex. Nk. Bishram Singh Rajput Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri and Shri Amit Jaiswal, Ld. Counsel for the respondents is present. Om Prakash Kushwaha, Ld. Counsel for the petitioner is reported to be ill. Pleadings have been exchanged between the parties and the case is ripe for hearing. List on **28.04.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 29 of 2020 Inre : O.A. No. 15 of 2017

Ex. Sep. Om Prakash Tripathi 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Shri Ashish Kumar Singh, Ld. Counsel for the respondents submitted that some reasonable time may be given for making compliance of the order as Review Application filed by the respondents has recently been disposed off. Considering the facts and circumstances of the case four weeks time is granted to make compliance of the order and to file affidavit of compliance. List on **02.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 529 of 2019 with M.A. No. 179 of 2020, M.A. No. 820 of 2019

Ex. Hony. Nb. Sub. Bhik Chand 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Arun Kumar Sahu, Ld. Counsel for the respondents is present. Shri Parijaat Belaura, Ld. Counsel for the applicant is reported to be out of station, hence case is adjourned. Since Ms. Kavita Belaura, Advocate has been empanelled as Central Government, her name be deleted as Counsel for the applicant from the cause list. List on **15.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 70 of 2019 Inre : O.A. No. 626 of 2017

Ex. Naik Rajbir Singh Bhadauria 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Shri R. Chandra, Ld. Counsel for the applicant informs that applicant has died. Steps for substitution be taken within two months. List on **19.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 93 of 2019 Inre : O.A. No. 481 of 2018

Dushyant Singh 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Santosh Singh, Ld. Counsel for the applicant and Shri R.K.S,. Chauhan, Ld. Counsel for the respondents are present. Shri R.K.S. Chauhan, Ld. Counsel for the respondents submitted that despite three letters being issued to the applicant regarding completing certain formalities applicant did not complete the same, as a result the order could not be complied with. In reply, Shri Santosh Singh, Ld. Counsel for the applicant submits that applicant has not received the alleged letters. Shri Santosh Singh, Ld. Counsel for the applicant is directed to furnish his mail ID/WhatsApp number to Shri R.K.S. Chauhan, Ld. Counsel for the respondents by today itself. Shri R.K.S. Chauhan directed to furnish soft copy of letters to Shri Santosh Singh, Ld. Counsel for the applicant by today itself on his mail ID/WhatsApp number and, therefafter, formalities be completed within four weeks. List on **04.02.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 280 of 2019 Inre : O.A. (Nil) of 2019

Maj. Mohammed Irfan 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
	02.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Shri Shailendra Kumar Singh, Ld. Counsel for the applicant submits that all grievances raised in the present Original Application have been addressed by the respondents, therefore, Original Application may be dismissed being infructuous. Accordingly, Original Application is **dismissed** as infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-