

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

**Ex-A/10 of 2020 Inre O.A. No. 37 of 2017**

**Ex Spr Dharmendra Singh** Applicant  
By Legal Practitioner for the Applicant  
**Versus**  
**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Present : Shri KKS Bisht, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>On the case being taken up for hearing Shri KKS Bisht, learned counsel for the applicant admitted that order under execution has been complied with.</p> <p>Accordingly, execution application is <b>dismissed</b> in full and final satisfaction.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>                                      <b>Member (J)</b></p> <p>rathore</p>

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

**M.A. No. 1344 of 2018 Inre O.A. No 39 of 2018**

**Vijay Narayan**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri KKS Bisht, learned counsel for the applicant and Mrs Amrita Chakraborty, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>We have gone through the copy of PPO and we find that order under execution has been fully complied with.</p> <p>Accordingly, execution application is <b>dismissed</b> in full and final satisfaction.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>rathore</p>

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

**M.A. No. 241 of 2020 Inre O.A. (Nil) of 2020**

**Smt Pinky Devi, W/O Late Ex Sep**  
**Raj Kumar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri KK Misra, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>In view of the fact that respondents have filed counter affidavit, delay in filing application is condoned.</p> <p>Heard.</p> <p>Admit.</p> <p>Let O.A. be registered.</p> <p><b><u>O.A. No. 673 of 2020</u></b></p> <p>Counter affidavit is taken on record with direction to respondents to serve copy of the same to learned counsel for the applicant within three days.</p> <p>Rejoinder affidavit may be filed within two weeks from the date of receipt of copy of counter affidavit.</p> <p>List on <b>04.03.2021</b> for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>rathore</p>

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

**O.A. No. 261 of 2019 with M.A. No. 781 of 2019**  
**& M.A. No. 97 of 2020**

**Brig Sunil Bhargava**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing none appears on behalf of the applicant to represent his cause.</p> <p>Dr. Shailendra Sharma Atal, learned counsel for the respondents is present and he submits that learned counsel for applicant intends withdrawal of the case.</p> <p>Considering that applicant does not wish to continue with the case rather he himself has written for withdrawal, application is allowed and applicant is permitted to <b>withdraw</b> the case as prayed.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>rathore</p>

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

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

O.A. No. 456 of 2019

Sep Shri Narain

By Legal Practitioner for the Applicant

Applicant

**Versus**

Union of India & Others

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u>03.12.2020</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 Om Prakash Kushwaha, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Despite several opportunities being given to applicant to file rejoinder affidavit, the same has not been filed as yet and therefore, opportunity to file the same is closed.</p> <p>List on <b>13.05.2021</b> for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)      Member (J)</p> <p>rathore</p>

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

Ex-A/235 of 2018 Inre O.A. No. 48 of 2018

**Ex Hav Jai Prakash Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u>03.12.2020</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 appears on behalf applicant to represent his cause</p> <p>Shri Arun Kumar Sahu, learned counsel for the respondents is present and he submits that order under execution has been complied with.</p> <p>Applicant has not filed any objection to the compliance report in this regard despite elapse of considerable period.</p> <p>We have gone through copy of PPO issued in compliance of order passed by this Tribunal and we find that there is no infirmity in it.</p> <p>In the result execution application is <b>dismissed</b> in full and final satisfaction.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>                                      <b>Member (J)</b></p> <p>rathore</p>

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record.</p> <p>On the case being taken up for hearing Shri Parijaat Belaura, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Learned counsel for the respondents prays for and is granted four weeks and no more time to file compliance report.</p> <p>List on <b>18.01.2021</b> for orders.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>rathore</p>

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

**O.A. No. 464 of 2018**

**Bajrang Bahadur Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>On the request made by learned counsel for the respondents, list the case on <b>04.12.2020</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>rathore</p>



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

**O.A. No. 541 of 2018**

**Satya Prakash**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of appearance filed today in Registry by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Parijaat Belaura, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">Respondents have not filed counter affidavit in this case despite Original Application being filed in the year 2018. They are directed to get counter affidavit filed within four weeks positively failing which opportunity to file the same shall stand closed without any reference.</p> <p style="text-align: center;">List on <b>28.01.2021</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>rathore</p>

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

O.A. No. 77 of 2020 with M.A. No. 813 of 2019

**Ex Hav (Hony Nb Sub) Radhey Shyam 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><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R Chandra, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Despite several opportunities being given to applicant to file rejoinder affidavit, the same has not been filed as yet and therefore, opportunity to file the same is closed.</p> <p>Heard.</p> <p>Order is <b>reserved</b>.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)    Member (J)</p> <p>rathore</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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Satendra Kumar Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Despite being pointed out by the Registry regarding delay in filing application and applicant being given time to remove the defect, no delay condonation application has been filed.</p> <p>Regarding defect, submission of learned counsel for the applicant is that applicant does not wish to press O.A. for reliefs 1 and 2 and as regards other reliefs there is no delay, the same may be considered.</p> <p>We have gone through the O.A. as well as reliefs claimed therein and we are of the definite view that other reliefs cannot be considered without reliefs 1 and 2 and as O.A. has been filed with inordinate delay without any delay condonation application, the O.A. is liable to be dismissed being not maintainable.</p> <p>Accordingly, O.A. is <b>dismissed</b> being non maintainable.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>  <b>Member (A)</b>    <b>Member (J)</b> </p> <p>rathore</p>

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

Ex.A. No. 182 of 2018 Inre O.A. No. 304 of 2016

**Ex Hav Keshu Prasad Dubey** 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><b><u>03.12.2020</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing none appears on behalf of the applicant to present his cause.</p> <p>Shri Ashish Kumar Singh, Ld. Counsel for the respondents is present.</p> <p>Shri Rajeev Tiwari is also present on behalf of PCDA (Pension) Allahabad.</p> <p>It is submitted that in compliance Rs. 2,33,547/- has been credited in applicant's account in July 2020 as arrears and Rs. 21,653/- is also being credited regularly as pension.</p> <p>However, no affidavit of compliance has been filed.</p> <p>Respondents are directed to file affidavit of compliance within two weeks.</p> <p>List on <b>22.01.2021</b> for orders.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>  <b>Member (A)</b>    <b>Member (J)</b> </p> <p>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. 557 of 2019 Inre O.A. No. 492 of 2017**

**Smt. Shyamal Sri**  
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><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri S.K. Singh, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant submits that he will deposit balance cost of Rs. 500/- today in AFT Bar Association, Lucknow.</p> <p>No rejoinder affidavit has been filed despite time being taken for the same, hence opportunity for filing the same is closed.</p> <p>Pleadings are complete.</p> <p>List on <b>10.05.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>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. 688 of 2019 Inre O.A. No. (Nil) of 2019**

**Ex Sub (Hony Capt) Manbir Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri S.S. Rajawat, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">There is delay of 02 years, 10 months &amp; 21 days in filing Original Application.</p> <p style="text-align: center;">The submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate but for the reasons stated in affidavit filed in support of the application.</p> <p style="text-align: center;">Ld. Counsel for the respondents has vehemently opposed the prayer saying delay has not been properly explained.</p> <p style="text-align: center;">Upon hearing submissions of both sides and considering the facts and circumstances of the case we find that cause shown is sufficient.</p> <p style="text-align: center;">Accordingly, we condone the delay.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><b><u>O.A. No. 677 of 2020</u></b></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Respondents have already filed counter affidavit which is taken on record.</p> <p style="text-align: center;">List on <b>23.04.2021</b> for final hearing by which date applicant may file rejoinder affidavit, if any.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>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. 859 of 2019 Inre O.A. No. (Nil) of 2019**

**Ex Nk Dhan Pal Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>There is delay of 07 years, 01 month &amp; 08 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 for the reasons stated in affidavit filed in support of the application.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer saying delay has not been properly explained.</p> <p>Upon hearing submissions of both sides and considering the facts and circumstances of the case we find that cause shown is sufficient.</p> <p>Accordingly, we condone the delay.</p> <p>Let Original Application be registered.</p> <p><b><u>O.A. No. 676 of 2020</u></b></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Short counter affidavit filed on behalf of respondent No. 4 is taken on record.</p> <p>Respondents are directed to file detailed counter affidavit within four weeks from today. Thereafter, rejoinder affidavit, if any, may be filed within two weeks.</p> <p>List on <b>15.04.2021</b> before the Registrar for exchange of pleadings.</p> <p>List before the Tribunal on <b>29.04.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>

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

**Ex.A. No. 30 of 2020 Inre O.A. No. 266 of 2018**

**Ex Sep Jadhav Nilesh Dinkar**  
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><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that compliance of order is under process. He further submits that two weeks time be given to file affidavit of compliance which is allowed.</p> <p>Let affidavit of compliance be filed within two weeks.</p> <p>List on <b>15.01.2021</b> for orders.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>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. 292 of 2019**

**Ex Hav (Hony Nb Sub) Tej Singh Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Heard.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava)</b> <b>Member (A)    Member (J)</b></p> <p><small>SB</small></p>

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

**O.A. No. 290 of 2019**

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

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Virendra Kumar Gupta and Shri Ziauddin Khan, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>In Para 3 of the affidavit dated 01.12.2020 filed by the respondents they have clearly stated that request relief has already been granted to the applicant vide Ministry of Defence letter No. 1(13)/2016/D(Pen/Policy) dated 29.02.2020. In the said Para, it is also stated that Pension Disbursing Agencies have also been informed to revise pension of all Pre 2006 retirees Honorary Naib Subedar. A copy of letter has also been annexed alongwith affidavit.</p> <p>In view of above, since grievances raised in Original Application have already been adjudged, we find that application is liable to be dismissed being infructuous.</p> <p>Accordingly, Original Application is <b>dismissed</b> being infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>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. 41 of 2019**

**Ex Nk Dev Giri**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p>Pleadings have been exchanged between the parties and the case is ripe for hearing.</p> <p>List on <b>10.05.2021</b> 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"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>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. 294 of 2015**

**Yogendra Kumar Sharma**  
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><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>26.02.2021</b> 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;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>SB</p>

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

T.A. No. 80 of 2016

Anoop Kumar  
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>03.12.2020</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 Ram Dheeraj Yadav, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align:justify">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align:justify">List on <b>01.03.2021</b> for final hearing.</p> <p style="text-align:justify">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"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>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. 129 of 2013 with M.A. No. 593 of 2019

**Rajendra Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri V.P. Pandey and Shri R.P. Shukla, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>02.03.2021</b> 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;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>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. 98 of 2011**

**Smt Ram Kumari Pandey W/o Moti Lal Pandey (Deceased)**      Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**      Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri S.K. Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>05.03.2021</b> 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;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>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. 383 of 2019**

**Hav/Clk Gurjant 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><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Wg Cdr S.N. Dwivedi (Retd), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>15.01.2021</b> for physical hearing at 2.30 PM.</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;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>SB</p>

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

**T.A. No. 15 of 2017 with M.A. No. 35 of 2020**

**Bhupendra Singh Bhadauria** Petitioner  
By Legal Practitioner for the Petitioner

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Col Rakesh Johri (Retd) &amp; Maj R.D. Singh (Retd), Ld. Counsel for the petitioner and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on <b>13.01.2021</b> for physical hearing at 2.30 PM.</p> <p style="text-align: center;">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;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>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. 191 of 2019**

**Smt. Surender Kaur W/o No. 1393668 Late Amarjit Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>2. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs.</p> <p style="padding-left: 40px;">(I) <i>The Hon'ble Tribunal may be pleased to set aside the Order dated 07/08/2018 (Annexure No. A-1).</i></p> <p style="padding-left: 40px;">(II) <i>The Hon'ble Tribunal may be pleased to direct the respondents to grant disability pension to the late husband of applicant with effect from 11.04.1981 with all consequential benefits along with its arrears and interest thereon at the rate of 18% per annum.</i></p> <p style="padding-left: 40px;">(III) <i>Any other appropriate order or direction which this Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case including cost of the litigation.</i></p> <p>3. Briefly stated facts of the case are that husband of the applicant was enrolled in Army Medical Corps of Indian Army on 03.08.1971 and was invalided out from service on 11.04.1981 in Low Medical Category under Rule 13 (3) item III (iii) of the Army Rules, 1954 after rendering 9 years, 08 months and 09 days of service. At the time of invaliding from service, the Invaliding Medical Board (IMB) held on 13.02.1981 assessed his disability '<b>GRANDMA (EPILEPSY) (345)</b>' @ 20% for two years and opined the disability to be neither attributable to nor aggravated (NANA) by</p>

service. The claim of applicant's husband for grant of disability pension was rejected vide order dated 20.06.1981. The husband of the applicant was expired on 13.02.2002. The applicant preferred Appeal dated 30.04.2018 which too was rejected vide order dated 07.08.2018. It is in this perspective that the applicant has preferred the present Original Application

4. Learned Counsel for the applicant pleaded that at the time of enrolment, the husband of applicant was found mentally and physically fit for service in the Army and there is no note in the service documents that he was suffering from any disease at the time of enrolment in Army. The disease of the applicant's husband was contracted during the service, hence it is attributable to and aggravated by Military Service. He pleaded that various Benches of Armed Forces Tribunal have granted disability pension in similar cases, as such the applicant's husband be granted disability pension as well as arrears thereof, as such the applicant is entitled to disability pension and its rounding off to 50%.

5. On the other hand, Ld. Counsel for the respondents contended that disability of the applicant @ 30% for two years has been regarded as NANA by the IMB. During his life time the husband of the applicant had never appeared before the Re-Survey Medical Board for his further assessment. Further, applicant's husband had not moved any representation or Appeal against the rejection of his disability claim. After the death of her husband the applicant preferred Appeal dated 30.04.2018 which was rejected by the respondents vide order dated 07.08.2018. Hence, applicant is not entitled to disability pension. He pleaded for dismissal of the Original Application. \

6. Upon hearing submissions of Ld. Counsel of both sides we find that Invaliding Medical Board held on 13.02.1981 has assessed the disability of the applicant's husband @20% for two years. There is no record to show that husband of the applicant had ever appeared before the Re-Survey Medical Board after expiry of aforesaid two years period.

7. Further, during his life time the husband of the applicant did not raise any representation or Appeal for grant of disability pension. The husband of the applicant had expired on 13.02.2002.

After about 18 years of death of her husband the applicant had preferred Appeal before the respondents claiming for disability pension for her husband and family pension for her.

8. Since, the disability of the applicant's husband was for a period of two years only and he did not appear before the Re-Survey Medical Board for re-assessment of his disability, further during his life time he did not raise any representation or Appeal before the respondents, the applicant cannot be held entitled for disability pension of her husband and family pension for herself at this belated stage.

9. In view of above, Original Application is dismissed.

10. No order as to cost.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
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. 498 of 2019

Ex. Hav. Binda 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><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the rs assisted by Maj. Sini Thomas, Departmental Representative</p> <p>2. Counter Affidavit filed by the respondents is taken on record.</p> <p>3. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-</p> <p style="padding-left: 40px;"><i>(a) An order or direction commanding the respondents to pay the disability pension and arrears to the applicant wef 01.04.2006 with the interest @10% per annum since the applicant was discharged from the service under low medical category and the disability was attributable to the military service.</i></p> <p style="padding-left: 40px;"><i>(b) To allow the OA with costs.</i></p> <p style="padding-left: 40px;"><i>(c) Any other or further order or direction which this Hon'ble Court may deem just, fit and proper in the circumstances of the case.</i></p> <p>4. Briefly stated facts of the case are that the applicant was enrolled in Indian Army on 20.03.2982 and was discharged with effect from 01.04.2006 in low medical category. The Release Medical Board identified his disabilities as (i) '<b>BIL NOISE INDUCED SENSORY NEURAL HEARING LOSS</b>' and assessed it @11-14 for five years and (ii) '<b>PIVD L4 L5 S1 WITH CANAL STENOSIS (OPTD)</b>' and assessed it @ 30% for five years, composite</p>



assessment @40% for five years. Accordingly, P.P.O. was issued by the Principal Controller of Defence Account (Pension), Allahabad. Thereafter, Re-Survey Medical Board was held on 27.09.2010 wherein the disabilities have been assessed @40% for life. Accordingly, P.P.O. was issued by the Principal Controller of Defence Account (Pension), Allahabad. Presently the applicant is in receipt of 40% disability pension for life and has moved this Original Application for grant of disability pension.

5. Although there is no pleadings on record for rounding off of disability pension, but now we are considering the case of the applicant whether he is entitled for the benefit of rounding off of his disability pension?

6. Ld. Counsel for the applicant orally argued that since the applicant is already in receipt of 40% disability element for life, therefore, in view of judgment in O.A. No. 328 of 2016, *Colonel Dharam Raj Singh (Retd)*, decided by Armed Forces Tribunal, Regional Bench, Lucknow on 07.09.2016 and Hon'ble Apex Court judgment in the case of ***Union of India and Ors vs Ram Avtar & ors*** (Civil appeal No. 418 of 2012 decided on 10th December 2014), the applicant is also entitled to benefit of rounding off of disability element @ 50% for life.

7. On the other hand, though Ld. Counsel for the respondents conceded receipt of 40% disability pension by the applicant but contended that the applicant is not entitled to the benefit of rounding off of disability pension on the ground that the applicant's services were not cut short as he was not invalided out on account of his disability. In the instant case the applicant was discharged from service on completion of his terms of engagement, therefore, the Ld. Counsel submitted that he is not eligible for the benefit of rounding off.

8. We have heard Ld. Counsel for the parties and perused the material placed on record. The only question which needs to be answered is whether applicant is entitled for the benefit of rounding off of his disability pension?

9. The law on the point of rounding off of disability pension is no more RES INTEGRA in view of Hon'ble Supreme Court judgment in the case of ***Union of India and Ors vs Ram Avtar & ors*** (Civil

appeal No 418 of 2012 decided on 10th December 2014) wherein the Hon'ble Apex Court has nodded in disapproval of the policy of the Government of India in granting the benefit of rounding off of disability pension only to the personnel who have been invalidated out of service and denying the same to the personnel who have retired on attaining the age of superannuation or on completion of their tenure of engagement. The relevant portion of the decision is excerpted below:-

*“4. By the present set of appeals, the appellant (s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No 1(2)/97/D (Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.*

*5. We have heard Learned Counsel for the parties to the lis.*

*6. We do not see any error in the impugned judgment (s) and order(s) and therefore, all the appeals which pertain to the concept of rounding off of the disability pension are dismissed, with no order as to costs.*

*7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.*

*8. This Court grants six weeks' time from today to the appellant(s) to comply with the orders and directions passed by us.”*

10. In the instant case, there is no dispute that the applicant is in receipt of 40% disability element for life. This fact has also been accepted by the respondents and is also clearly indicated by the P.P.O. with the Counter Affidavit as Annexure Nos. 1, 2 and 3. Thus, in view of the settled law on this matter, we are of the considered opinion that the applicant is entitled the benefit of rounding off.

11. It may be observed that claim for pension is based on continuing wrong and relief can be granted if such continuing wrong creates a continuing source of injury. In the case of **Shiv Dass vs. Union of India**, reported in 2007 (3) SLR 445, para-9, Hon'ble Apex Court has observed:-

“In the case of pension the cause of action actually continues from month to month. That, however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.”

12. As observed in the preceding paragraphs, delay in filing the Original Application. has been condoned by this Tribunal vide order dated 13.09.2019, as such, in view of the decision of Hon'ble Supreme Court in the case of **Shiv Dass** (supra), we are of the considered view that benefit of rounding off of disability pension @40% for life to be rounded off to 50% for life may be made applicable to the applicant for three preceding years from the date of filing of the O.A.

13. In view of the above, the Original Application No. 498 of 2019 deserves to be allowed, hence allowed. The applicant is entitled to the benefit of rounding off of disability element from 40% for life to 50% for life with effect from three years prior to the date of filing of this Original Application. The date of filing of this Original Application is 27.08.2019. The respondents are directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 9% per annum till actual payment.

14. No order as to costs.

(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. 655 of 2020**

**Lt. Col. A.N. Shet**  
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><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Shri Namit Sharma, Advocate filed power today in Court on behalf of the respondents which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Ms. Kavita Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</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 the matter before Registrar on <b>30.04.2021</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>24.05.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

M.A. No. 415 of 2020 Inre : O.A. no. 308 of 2018

Union of India & Others  
By Legal Practitioner for the Applicants

Applicants

**Versus**

Nisarudeen M.  
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Ms. Amrita Chakraborty, Ld. Counsel for the applicants is present.</p> <p>Ld. Counsel for the applicants/Union of India and Others submits that in the order dated 13.10.2020 passed by this Tribunal in Ex. A. No. 134 of 2019 it has been stated that dispute form submitted by the applicant has been disposed off on 08.04.2020 and respondents were directed to furnish copy of letter dated 08.04.2020 to the Ld. Counsel for the applicant within seven days. The actual date of relevant letter is <b>30.06.2020</b> and not 08.04.2020, which needs to be amended in the said order.</p> <p>For the reasons stated above, the modification application is <b>allowed</b>.</p> <p>In the said order where the letter dated 08.04.2020 is written be amended as <b>30.06.2020</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b>                      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**R.A. No. 31 of 2018 Inre : O.A. No. 135 of 2014**

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

Applicants

**Versus**

**Rajendra Pratap Singh**  
By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Adesh Kumar Gupta, Ld. Counsel for the review applicants and Shri V.P. Pandey, Ld. Counsel for the respondents are present.</p> <p>The case is adjourned on account of illness of Shri D.C. Lohumi, Ld. Counsel for the review applicants.</p> <p>List on <b>15.12.2020</b> for orders.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**M.A. No. 770 of 2018 Inre : O.A. No. (Nil) of 2018**

**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><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Anand Dubey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Advocate Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 01 year, 04 months and 15 days.</p> <p style="text-align: center;">The submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate nor intentional, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align: center;">Ld. Counsel for the respondents has opposed the prayer saying no sufficient explanation has been offered.</p> <p style="text-align: center;">Upon hearing submissions of Ld. Counsel for both sides and considering the facts and circumstances of the case, we find that cause shown is sufficient.</p> <p style="text-align: center;">Accordingly, delay is <b>condoned</b>.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><b><u>O.A. No. 671 of 2020</u></b></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">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: center;">List the matter before Registrar on <b>30.04.2021</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>24.05.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**M.A. No. 919 of 2019 with M.A. No. 920 of 2019 Inre : M.A. No. 643 of 2018 and  
O.A. No. 168 of 2018**

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

Applicants

**Versus**

**Vijesh K.K.**  
By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Anurag Mishra, Ld. Counsel for the applicant and Shri Ashok Kumar, Ld. Counsel for the respondents are present.</p> <p>As prayed, list on <b>04.12.2020</b> for orders.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>                                      <b>Member (J)</b></p> <p>AKD/-</p>



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

**M.A. no. 243 of 2019 Inre : O.A. No. (Nil) of 2019**

**Uday Bhan** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Ashok Kumar and Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 05 years, 11 months and 16 days.</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><b><u>O.A. No. 670 of 2020</u></b></p> <p style="text-align: center;">It is a fit case for adjudication. Admit.</p> <p style="text-align: center;">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: center;">List the matter before Registrar on <b>30.04.2021</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>24.05.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 470 of 2012**

**Naseebul Hasan Syed** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Col. A.K. Srivastava (Retd), , Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Amendment in this case was allowed on 18.01.2018 and respondents were directed to file Counter Affidavit to the amended portion of the Original application. However, despite about three years being passed allowing amendments, respondents have not filed any Counter Affidavit to the amended portion of the Original Application rather they are again seeking time for filing the same without any cogent reason.</p> <p style="text-align: center;">In view of above, we do not think it proper to grant further time file the Counter Affidavit to the amended portion of the Original Application and the opportunity of filing the same is closed.</p> <p style="text-align: center;">List on <b>12.01.2021</b> at <b>02.30 PM</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 114 of 2018**

**Uday Narayan 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><b><u>03.12.2020</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Col. A.K. Srivastava (Retd), ,            Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Despite several opportunities the applicant has not filed Rejoinder Affidavit, hence, opportunity to file Rejoinder Affidavit is closed.</p> <p style="text-align: center;">List on <b>03.05.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>  <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**M.A. No. 28 of 2020 Inre : O.A. (A) No. (Nil) of 2020**

**Ex. Sep. Randhir Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 09 years, 02 months and 26 days.</p> <p>The submission of Ld. Counsel for the applicant is that delay caused in filing Original Application is not deliberate, but on account of facts stated in affidavit filed in support of application.</p> <p>Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay is not satisfactory.</p> <p>We have gone through affidavit filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p>As such, delay in filing application is condoned. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><b><u>O.A. No. 672 of 2020</u></b></p> <p>It is a fit case for adjudication. Admit. Counter Affidavit filed by the respondents is taken on record. Rejoinder Affidavit, if any, may be filed by the date fixed. List on <b>20.05.2021</b> for final hearing.</p> <p>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

O.A. No. 248 of 2018

**Shyam Singh**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Chief of Army Staff & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b></p> <p><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>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.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>14.01.2021 at 02.30 PM</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 364 of 2019**

**Ex. Hav. Mohd. Nizamuddin**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></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 are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>05.05.2021 at 02.30 PM</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

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

O.A. No. 433 of 2019 along with M.A. No. 770 of 2019

Gp. Capt. BKE Jacob  
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>03.12.2020</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. Y.R. Sharma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>01.02.2021 at 02.30 PM</b> for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)                  (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>





Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.1 (E. Court)  
Ex. A. No. 53 of 2019 Inre : T.A. No. 17 of 2017  
Along with  
T.A. No. 17 of 2017

**Sqn. Ldr. R.K. Kashyap (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.12.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on <b>02.02.2021</b> for orders.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

