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

M.A. No. 260 of 2020 Inre O.A. (Nil) of 2020

Ex Nk Karnail 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
	05.10.2020 **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 Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Shri Amit Jaiswal, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Ld. Counsel for the respondents seeks and is allowed two days time to file objection against delay condonation application. List on **13.10.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

M.A. No. 48 of 2020 Inre O.A. (Nil) of 2020

Smt Upasna, W/O
Late Ex Rfn Badan 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
	05.10.2020 **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 BP Singh (Retd), Ld Counsel for the applicant and Dy Gyan Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative is present. Dr. Gyan Singh, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Objection filed by Ld. Counsel for the respondents is taken on record. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, Ld. Counsel for the respondents submits that there being a delay of one year, eleven months & 14 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 278 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the applicant shall furnish legible copy of pages 15 and 21 of O.A. to the Ld. Counsel for the respondents within three days. Thereafter, respondents shall file counter affidavit within two weeks. Rejoinder affidavit, if any, may be filed within next two weeks. List on 16.12.2020 before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

O.A. No 121 of 2020

Ex Rect Sukhwant 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
	05.10.2020 **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 Om Prakash Kushwaha, Ld. Counsel of the applicant and Shri Ashish Agnihotri, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Shri Ashish Agnihotri, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Heard. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **16.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

O.A. No. 264 of 2020

Ex Hav Narendra 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
	05.10.2020 **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 KKS Bisht, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Shri Anurag Mishra, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Heard. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **17.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

O.A. No. 164 of 2020

Ex hav Basdeo Rampal 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
	05.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri KP Datta, Ld. Counsel of the applicant and Mrs Amrita Chakraborty, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. Mrs Amrita Chakraborty, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **17.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

M.A. No. 264 of 2020 Inre O.A. (Nil) of 2020

Ex JWO Ajit Kumar Shrivastawa 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
	05.10.2020 **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 Rajiv Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. Shri Rajiv Pandey, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, Ld. Counsel for the respondents submits that there being a delay of one month and one day, in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 279 of 2020** It is a fit case for adjudication. Admit. Respondents are directed to file counter affidavit within two weeks. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks. List this case on **17.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

O.A. No. 262 of 2020

Ex Hav Dhananjay Chaubey 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
	05.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. Admit. Respondents are directed to file counter affidavit within two weeks. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks. List this case on **18.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** gsr/sb

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

M.A. No. 262 of 2020 Inre O.A. (Nil) of 2020

Ex Hav (Hony Nb Sub) Netra 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
	05.10.2020 **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 Parijaat Belaura, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Mrs Anju Singh, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, Ld. Counsel for the respondents submits that there being a delay of ten years six months and seventeen days, in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 280 of 2020** It is a fit case for adjudication. Admit. Respondents are directed to file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks. List this case on **18.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

M.A. No. 263 of 2020 Inre O.A. (Nil) of 2020

Ex Hav Ram Yatan 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
	05.10.2020 **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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Shri Rajesh Shukla, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, Ld. Counsel for the respondents submits that there being a delay of eleven years, six months and twenty eight days, in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 281 of 2020** It is a fit case for adjudication. Admit. Respondents are directed to file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks. List this case on **18.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

O.A. No. 166 of 2020

Ex Sep Ravindra Saingh 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
	05.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Mohd Zafar Khan, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Mohd Zafar Khan, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. Admit. Respondents are directed to file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks. List this case on **16.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** gsr

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

O.A. No. 263 of 2020

Ex Nk Saurabh 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
	05.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Dr. Chet Narayan Singh, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Heard Shri R Chandra, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. Admit. Respondents are directed to file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks. List this case on **16.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

O.A. No 165 of 2020

HFO Ram Adhar Shahi (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
	05.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Namit Sharma, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. Admit. Respondents are directed to file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks. List this case on **16.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

R.A. No. 58 of 2019 with M.A. No. 963 of 2019
Inre O.A. No. 277 of 2017

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

Versus

Surendra Yadav Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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 Anurag Mishra, Ld. Counsel for the applicants submits that he intends to file fresh review application, as such, review application is dismissed as withdrawn with liberty to file afresh. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

M.A. No. 927 of 2019 with M.A. No. 928 of 2019
Inre O.A. No. 161 of 2017

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

Versus

Ex Gdsm Biresh Kumar Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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, Ld. Counsel for the applicants alongwith Maj Sini Thomas, Departmental Representative is present. This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 161 of 2017. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

M.A. No. 54 of 2020 with M.A. No. 55 of 2020
Inre O.A. No. 149 of 2019
Alongwith
R.A. No. 3 of 2020 with M.A. No. 51 of 2020
Inre O.A. No. 149 of 2019

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

Versus

Ex Sigmn Kundan Kumar Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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 DK Pandey, Ld. Counsel for the applicants alongwith Maj Sini Thomas, Departmental Representative is present. This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 149 of 2019. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is **rejected**. The review application, having been filed beyond statutory period, is also **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

M.A. No. 918 of 2019 Inre O.A. No. 586 of 2017

Raj Kumar Chaturvedi 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
	05.10.2020 **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 HN Tiwari and Shri Dharmesh Sinha, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Shri RC Shukla, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Ld. Counsel for the respondents submits that in compliance of order dated 27.03.2019 PPO has already been generated on 25.02.2020. Ld. Counsel for the respondents seeks and is allowed two weeks further time to file compliance report. Let compliance report be filed within two weeks. List the case on **13.11.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

R.A. No. 10 of 2020 with M.A. No. 265 of 2020
Inre O.A. No. 137 of 2017

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

Versus

Awadhesh Kumar Pandey Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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 Namit Sharma, Ld. Counsel for the applicants alongwith Maj Sini Thomas, Departmental Representative is present. Ld. Counsel for the respondents submits that respondents want to file supplementary affidavit connecting therewith copies of judgments of Hon'ble Principal Bench and Hon'ble Appex Court. He further submits that two weeks time be given to them for the same. As prayed, let supplementary affidavit be filed within two weeks. List on **14.10.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr

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

R.A. No. 4 of 2020 with M.A. No. 88 of 2020
Inre O.A. No. 70 of 2010

Ex L Nk Jagadeesha HG 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
	05.10.2020 **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 Shri D.K. Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative is present. Shri D.K. Pandey, Advocate filed power today in Court on behalf of respondents and the same is taken on record. This is an application for condonation of delay in filing review application in O.A. No. 70 of 2010. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving review application. Accordingly application for condonation of delay in moving review application is not maintainable and is **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr/sb

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

M.A. No. 889 of 2019 Inre O.A. No 469 of 2012

Amar Singh & Another Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present. Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of respondents and the same is taken on record. None appears on behalf of the applicant to present the case. Accordingly, we dismiss delay condonation application for non prosecution. Original Application being time barred is also **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr/sb

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

M.A. No. 934 of 2019 with M.A. No. 935 of 2019
Inre O.A. No. 257 of 2016

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

Versus

Smt Bittan Devi, W/O
Ex Gnr (late) Rajesh Kumar Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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 Shyam Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative is present. This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 257 of 2016. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr/sb

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

Ex-A/27 of 2020 Inre O.A. No. 240 of 2014

Ex Sub Dvr (MT) Mahender 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
	05.10.2020 **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. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Learned counsel for the respondents prays for and is allowed four weeks time to seek instructions from the authorities concerned and to file compliance report. As prayed, list on **11.12.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr/sb

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

T.A. No. 5 of 2019

Ex Gdsm Rohitaswa Verma 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
	05.10.2020 **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 Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Heard. Admit. Pleading are complete and the case is ripe for hearing. List on **20.01.2021** 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)** gsr/sb

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

Dy No 183 of 2019 Inre O.A. (Nil) of 2019

Vishal 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
	05.10.2020 **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 Yashapal Singh, Advocate holding brief of Shri Gulab Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Shri Yashpal Singh prays for and is allowed a week time to file memo of appearance on behalf of the applicant. List on **24.11.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** gsr/sb

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

O.A. No. 271 of 2018

Shiv Bhushan Mishra & Another Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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 appeared on behalf of the applicant to present his case. Ms Appoli Srivastava, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present. Despite several opportunities being given to the applicant to file rejoinder affidavit, the same has not been filed as yet and therefore, opportunity to file the same is closed. List **21.01.2021** 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)** gsr/sb

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

O.A. No. 209 of 2018

Smt Nirmala Kumari Jha @ Nirmala Kumari 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
	05.10.2020 **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 appeared on behalf of the applicant to present his case. Shri R.K.S. Chauhan, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present. Despite several dates being given to the applicant to file rejoinder affidavit, the same has not been filed as yet, and therefore, opportunity for filing the same is closed. List on **21.01.2021** 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)** GSR/SB

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

Ex.A. No. 202 of 2018 Inre : O.A. No. 314 of 2018

Krishna Bihari Mishra 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
	05.10.2020 **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 appeared on behalf of the applicant to present his case. Shri Yogesh Kesarwani, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present. Learned counsel for the respondents submits that in compliance of order dated 12.07.2018 of this Tribunal, the mercy appeal preferred by the applicant has been disposed off and decision has been communicated to the PCDA (P) Allahabad vide letter dated 28.09.2020. He also prays for and is allowed two weeks time to file compliance report alongwith the cost imposed upon the respondents. List on **23.11.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/SB

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

O.A. No. 85 of 2018

Smt Sarita Devi 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
	05.10.2020 **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 alongwith Maj Sini Thomas, Departmental Representative are present. Pleadings are complete and the case is ripe for hearing. List on **22.01.2021** 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)** GSR/SB

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

O.A. No. 565 of 2018

Sep Rajnish (Through his wife Smt. Bunty Rani) 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
	05.10.2020 **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 Singh, Ld Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Pleadings are complete and the case is ripe for hearing. List on **22.01.2021** 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)** GSR/SB

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

M.A. No. 455 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Gnr Amarjeet 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
	05.10.2020 **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 Birendra Narain Shukla, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, Ld. Counsel for the respondents submits that there being a delay of 05 months & 17 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection. Considering that grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned subject to payment of Rs 1,000/- (Rupees one thousand only) which shall be paid to AFT Bar Association, Lucknow. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 282 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 this case on **11.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/SB

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

M.A. No. 1119 of 2018 Inre : O.A. No. (Nil) of 2018

Lt Col Daljeet Singh (Retd) & Others Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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 is present on behalf the applicant to present his case. Shri Namit Sharma, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present. List on **11.12.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/SB

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

M.A. No. 1513 of 2018 Inre : O.A. No. (Nil) of 2018

Ex Hav/Clk Ram Kuwar 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
	05.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Present : Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. None appears to present the case of the applicant, nor is there any mention made on his behalf to pass over or adjourn the case. Accordingly, The delay condonation application is dismissed in default. In consequence thereof Original Application is also **dismissed.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/SB

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

M.A. No. 1443 of 2018 with M.A. No. 1444 of 2018, M.A. No. 82 of 2017
Inre : O.A. No. (Nil) of 2017

Sukhvinder Singh Kandari & Ex Sub Gauri Singh Applicants
In Person

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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 the applicant Sukhvinder Singh Kandari in person and Ms. Appoli Srivastava, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. **M.A. No. 1443 of 2018** This is an application for condonation of delay in filing substitution application which is delayed by 3 ½ months. 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. 1444 of 2018** Substitution application is allowed. The applicant is permitted to substitute legal heirs in the array of parties within four weeks. **M.A. No. 82 of 2017** List on **11.12.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/SB

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

O.A. No. 213 of 2018

Jaivir 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
	05.10.2020 **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 J.N. Mishra, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Pleadings are complete and the case is ripe for hearing. List on **25.01.2021** 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)** GSR/SB

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

O.A. No. 597 of 2018

Ram Prakash 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
	05.10.2020 **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 appeared on behalf of the applicant to present his case. Shri Anurag Mishra, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present. Shri Anurag Mishra, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Despite several opportunities given to the applicant he has not filed rejoinder affidavit. As such, opportunity for filing rejoinder affidavit is closed. List on **25.01.2021** 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)** GSR/SB

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

O.A. No. 141 of 2018

Niraj Kumar Roy 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
	05.10.2020 **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.S. Bisht, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Despite several opportunities given to the applicant he has not filed rejoinder affidavit. As such, opportunity for filing rejoinder affidavit is closed. List on **25.01.2021** 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)** GSR/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. 191 of 2014

Ravi Shankar 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
	05.10.2020 **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.S. Bisht, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Chamber **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/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. 191 of 2014

Ravi Shankar 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
	05.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.K.S. Bisht, Ld. Counsel for the appellant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Sini Thomas, Departmental Representative. This appeal has been filed against the order dated 05.01.2012 of Summary Court – Martial by which appellant has been reduced to rank from Naik to Sepoy. Shri Asheesh Agnihotri, learned counsel for the respondents has raised a preliminary question regarding maintainability of appeal saying punishment being awarded to appellant in Summary Court - Martial being not dismissal from service or imprisonment for more than three months, as provided in proviso (iv) to Section 3 (o) of the Armed Forces Tribunal Act, 2007, (In Short "2007 Act"), the appeal is not maintainable. Submission of learned respondents' counsel is that it is specifically provided in proviso (iv) to Section 3 (o) of the 2007 Act that only those matters of Summary Court – Martial, where the punishment is of dismissal from service or more than three months imprisonment, are included in "service matters", and, in respect of which, appeal may be filed. His further submission is that if the punishment passed in Summary Court - Martial is less than dismissal from service, or less than three months imprisonment, the same cannot be challenged in AFT invoking the provisions of Section 15 of 2007 Act. His further submission is that the order challenged in instant appeal is neither dismissal from service nor imprisonment for more than three months, but being a punishment of reduction in rank, the same cannot be challenged in appeal under Section 15 of the 2007 Act. Therefore, his submission is that instant appeal being filed against the punishment of reduction in rank, and not against the punishment of dismissal or imprisonment for more than three months in Court-Martial, the same is not maintainable and is liable to be dismissed as such. Per contra, Shri KKS Bisht, learned counsel for the applicant submits that present appeal being filed under Section 15 of the 2007 Act, definition of

	"service matters" as given in Section 3 (o) of the 2007 Act, has not to be read in isolation, but needs to be read together with sub-section (2) of Section 15 of the 2007 Act, which reads that any person aggrieved by an order, decision, finding or sentence passed by a Court – Martial may prefer an appeal in such form, manner and within such time as may be prescribed. His further submission is that no where it is provided in sub-section (2) of Section 15 of 2007 Act that in only those matters concerning dismissal from service or imprisonment for more than three months in Summary Court – Martial, an appeal may be filed. His further submission is that "Court-Martial used in sub-section (2) of Section 15 of 2007 Act does include Summary Court-Martial also. His further submission is that order passed in Court-Martial being appealable under Section 15 of the 2007 Act and scope of appeal being not restricted to Court-Martial only but Summary Court-Martial being also covered therein, appeal against an order passed in Summary Court-Martial is maintainable. Thus, his submission is that instant appeal being filed against the punishment of reduction in rank passed in Summary Court-Martial is maintainable. Having heard the submissions of learned counsel of both sides and having gone through Sections 3, and 15 of the 2007 Act, we are of the considered view that in order to see the maintainability of an appeal filed against an order passed in Summary Court – Martial, we can not only bank upon Section 3 (o) of the 2007 Act, but have to read this Section together with Section 15 (2) of the 2007 Act. On joint reading of these Sections, it appears that not only those matters of punishment concerning dismissal from service or imprisonment for more than three months in Summary Court – Martial can be challenged under Section 15 of the 2007 Act, by way of appeal, but any order, decision, finding or sentence passed in Summary Court – Martial can be appealed in AFT. We are also of the view that scope of appeal, as provided in Section 15 of 2007 Act, is not limited to Court-Martial Verdicts only, it includes Summary Court – Martial verdicts also. With this view of matter, we reject the plea regarding maintainability of appeal, raised by the respondents' learned counsel and hold that instant appeal is maintainable in Tribunal under Section 15 of the 2007 Act. Accordingly, appeal is admitted for hearing. Respondents may file counter affidavit within four weeks. Thereafter, rejoinder affidavit, if any, may be filed within two weeks. List on **15.12.2020** before the Registrar Court for exchange of pleadings**.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 32 of 2019

Ratan Lal 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
	05.10.2020 **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 Shri R.C. Shukla, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Pleadings are complete and the case is ripe for hearing. List on **27.01.2021** 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)** GSR/SB

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

M.A. No. 1597 of 2018 Inre : O.A. No. (Nil) of 2018

Ex Hav Jagat 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
	05.10.2020 **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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Shri Namit Sharma, Advocate filed power today in Court on behalf of respondents and the same is taken on record. Objection on delay condonation application filed by the respondents is taken on record. Submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, Ld. Counsel for the respondents submits that there being a delay of 17 years, 01 month & 09 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection. Considering that grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, we condone the delay. Application stands decided accordingly. Let Original Application be registered. **O.A. No. 284 of 2020** Heard. It is a fit case for adjudication. Admit. Counter affidavit filed by the respondents is already on record. Rejoinder Affidavit, if any, may be filed by learned counsel for the applicant within two weeks. List this case on **14.12.2020** before Registrar Court for exchange of pleading. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/SB

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

M.A. No. 1762 of 2018 Inre : O.A. No. (Nil) of 2018

Hony Nb Sub Sugrib 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
	05.10.2020 **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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, Ld. Counsel for the respondents submits that there being a delay of 08 years, 09 months & 26 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection. Considering that grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, we condone the delay. Application stands decided accordingly. Let Original Application be registered. **O.A. No. 285 of 2020** Heard. It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **14.12.2020** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/SB

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

O.A. No. 512 of 2018

Parmanand 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
	05.10.2020 **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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Despite several opportunities given to the applicant he has not filed rejoinder affidavit. As such, opportunity for filing rejoinder affidavit is closed. List on **27.01.2021** 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)** GSR/SB

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

M.A. No. 1689 of 2018 Inre : O.A. No. (Nil) of 2018

Ex Sub (Hony Lt) Bhuri 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
	05.10.2020 **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 Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, Ld. Counsel for the respondents submits that there being a delay of 04 years & 12 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection. Considering that grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, we condone the delay. Application stands decided accordingly. Let Original Application be registered. **O.A. No. 283 of 2020** Heard. It is a fit case for adjudication. Admit. Counter affidavit filed by the respondents is already on record. Rejoinder Affidavit, if any, may be filed by learned counsel for the applicant within two weeks. List this case on **16.12.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** GSR/SB

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

O.A. No. 10 of 2020 Inre : M.A. No. 756 of 2019

Smt Sughar Shree (W/o) Late Pnr Vrij Kishore) 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
	05.10.2020 **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 Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Pleadings are complete and the case is ripe for hearing. List on **28.01.2021** 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)** GSR/SB

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

O.A. No. 195 of 2018

Kaushalendra Singh Chauhan 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
	05.10.2020 **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 Yashpal Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Despite several opportunities given to the applicant he has not filed rejoinder affidavit. As such, opportunity for filing rejoinder affidavit is closed. List on **28.01.2021** 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)** GSR/SB

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

O.A. No. 481 of 2017 with M.A. No. 422 of 2019

Laxman 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
	05.10.2020 **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 R.N. Singh (Retd) & Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Pleadings are complete and the case is ripe for hearing. List on **18.01.2021** 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)** GSR/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 2019

Sgt Rohitash Kumar Sharma (Retd) Applicant
In Person

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.10.2020 **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 the applicant in person and Shri Kaushik Chatterji, Ld. Counsel for the respondents, are present. Pleadings are complete and the case is ripe for hearing. List on **18.01.2021** 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)** GSR/SB

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

O.A. No. 220 of 2018

Jagvir 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
	05.10.2020 **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 Shri Yogesh Kewarwani, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Pleadings are complete and the case is ripe for hearing. List on **19.01.2021** 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)** GSR/SB

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

O.A. No. 3 of 2018

Vijay 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
	05.10.2020 **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 Shri Sunil Sharma, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Despite several opportunities given to the applicant he has not filed rejoinder affidavit. As such, opportunity for filing rejoinder affidavit is closed. List on **19.01.2021** 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)** GSR/SB

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

O.A. No. 596 of 2017

Pushkar Bharti 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
	05.10.2020 **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 V.K. Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Pleadings are complete and the case is ripe for hearing. List on **20.01.2021** 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)** GSR/SB

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

O.A. No. 93 of 2018

Nagesh Bahadur 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
	05.10.2020 **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 V.K. Pandey, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Pleadings are complete and the case is ripe for hearing. List on **20.01.2021** 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)** GSR/SB