

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

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

M.A. No. 221 of 2020 Inre O.A. (Nil) of 2020

Ex Rfn Govind Singh Rawat  
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>05.11.2020</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 Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p>This is a unique case where a veteran soldier aged 93 years has come before this Tribunal to issuing direction to respondents to grant WAR INJURY PENSION to him for his disability he had on account of injuries sustained on 3<sup>rd</sup> October 1944 in the battle of Italy.</p> <p>Submission of learned counsel for the applicant is that after being discharged from the service of Garhwal Army Rifles on 6<sup>th</sup> May 1947, applicant settled at his native place, a remote area in District Pauri Garhwal in Uttarakhand. His further submission is that applicant shifted to Dehradun in the year 2016, where during the course of discussion with his house lord he came to know about War Injury Pension, hence this application. His further submission is that delay in filing application is not deliberate.</p> <p>Learned counsel for the respondents has vehemently opposed the prayer on the reason of long delay of more than 72 years without any sufficient cause.</p> <p>Considering the facts and circumstances of the case and also the age of the veteran applicant, we find that cause shown is sufficient.</p> <p>Accordingly, delay is condoned.</p> <p>Let the case be registered as O.A.</p> <p><b><u>O.A. No. 484 of 2020</u></b></p> <p>It is a fit case for adjudication. Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within next two weeks.</p> <p>List on <b>22.01.2021</b> before the Registrar Court for exchange of pleadings. List before the Tribunal on <b>23.03.2021</b>.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (E. Court)**  
**M.A. No. 1583 of 2018 Inre O.A. (Nil) of 2018**

**Ex Opr Rajeev Kumar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>05.11.2020</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: justify;">Heard Col AK Srivastava (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: justify;">The instant O.A. has been filed with delay of 26 years, 11 months and 27 days.</p> <p style="text-align: justify;">Submission of learned counsel for the applicant is that delay in filing application is not deliberate but on account of mental disease applicant had on account of while being posted at High Altitude Area. Further submission is that applicant underwent treatment for his mental illness in many hospitals for a very long time and after being improved he went to his unit to join his duties but not allowed, hence this application.</p> <p style="text-align: justify;">In support, medical prescriptions qua applicant have been filed.</p> <p style="text-align: justify;">Learned counsel for the respondents has vehemently opposed the prayer saying delay in filing application being inordinate, and the same being not properly and satisfactorily explained, is not liable to be condoned.</p> <p style="text-align: justify;">Considering the facts and circumstances, we are of the view that cause shown for the delay is sufficient.</p> <p style="text-align: justify;">Accordingly, delay is condoned.</p> <p style="text-align: justify;">Let the case be registered as O.A.</p> <p><b><u>O.A. No. 483 of 2020</u></b></p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within next two weeks.</p> <p style="text-align: justify;">List on <b>22.01.2021</b> before the Registrar Court for exchange of pleadings.</p> <p style="text-align: justify;">List before the Tribunal on <b>23.03.2021</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>ukt/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (E. Court)**  
**M.A. No. 6 of 2019 Inre O.A. (Nil) of 2019**

**Ex Gnr Kumar Pal Sarswat**  
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>05.11.2020</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 Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">The instant O.A. has been filed with delay of 9 years, 2 months and 7 days.</p> <p>Submission of learned counsel for the applicant is that applicant went unconscious after being administered some poisonous substance while being on way to his place of posting after availing casual leave. Thereafter, he remained admitted in a hospital in Bihar for about two years before being back to home where he again underwent treatment for a long time as a result of which O.A. could not be filed in time.</p> <p style="text-align: center;">In support, medical prescriptions qua applicant have been filed.</p> <p>Learned counsel for the respondents has vehemently opposed the prayer saying delay in filing application being inordinate, and the same being not properly and satisfactorily explained, is not liable to be condoned.</p> <p style="text-align: center;">Considering the facts and circumstances of the case, we are of the view that cause shown for the delay is sufficient.</p> <p style="text-align: center;">Accordingly, delay is condoned.</p> <p style="text-align: center;">Let the case be registered as O.A.</p> <p><b><u>O.A. No. 482 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>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within next two weeks.</p> <p style="text-align: center;">List on <b>22.01.2021</b> before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">List before the Tribunal on <b>23.03.2021</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>ukt/-</p>