

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (E. Court)**  
**M.A. No 96 of 2020 Inre O.A. (Nil) of 2020**

**Khajan Singh S/o Late Ex Nk Niroti Lal**  
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>08.12.2020</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 Sunil Sharma, Advocate on behalf of the respondents is taken on record.</p> <p>On the case being taken up for hearing Col RC Dixit (Retd), Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>This O.A. has been filed with the delay of 27 years, 09 months and 17 day.</p> <p>Regarding delay, learned counsel for the applicant submits that being not aware with the provisions of law and financial condition being also not good, applicant could not file O.A. earlier. He further submits that O.A. could not be filed earlier because prior to constitution of Armed Forces Tribunal, the army authorities were judges in their own case and there was no check on their illegal and high handed actions.</p> <p>Respondents have vehemently opposed the above submission and submitted that there is a long delay of more than 27 years in filing application which has not been properly and satisfactorily explained.</p> <p>Upon hearing the submissions of learned counsel of both sides and considering the facts and circumstances of the case we find that facts stated in affidavit filed in support of delay condonation application, do not constitute sufficient and satisfactory explanation which is essential to condone the delay. It is absolutely incorrect that prior to constitution of Armed Forces Tribunal army authorities were judges in their own cause and there was no check on their illegal actions, and for this reason, applicant could not approach the concerned forum for redressal of his grievances. There being a long delay in filing application and the same being not properly and satisfactorily explained, we do not see any reason to condone the delay.</p> <p>Accordingly, delay condonation application is <b>dismissed</b>.</p> <p>O.A. being time barred is also <b>dismissed</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>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 69 of 2020 Inre O.A. (Nil) of 2020**

**Kunwar Uday Narayan Singh, S/O Late Ex Nk  
Niranjan Kunwar 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>08.12.2020</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 GS Sikarwar, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri KKS Bisht, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>The Original Application has been filed with delay of 71 years, 04 months and 16 days.</p> <p>The submission of Ld. Counsel for the applicant is that applicant's late father Ex Nk Narayan Kunwar Singh was enrolled in army on 19.05.1941 and was discharged from service on 14.03.1948 due of reduction in Indian Army on demobilization. His father had participated in second world war. His further submission is that applicant's father was not provided any pensionary benefits for the services rendered in the army despite having approached the concerned authorities several time in this regard. His further submission is that applicant, who is the sole legal heir of his father, also approached authorities claiming pensionary benefits of his father but they did not listen to him, rather rejected the claim. Thus, his submission is that delay in filing application is not deliberate or intentional but for the given reasons.</p> <p>Learned counsel for the respondents has vehemently opposed the prayer saying delay of more than 71 years in filing application has not been properly and satisfactorily explained.</p>

Upon hearing submissions of learned counsel of both sides and considering the facts and circumstances of the case, we find that applicant has not assigned any sufficient and satisfactory reason for long delay of more than 71 years in filing application. He has not filed any document to establishing correspondences between his father and the concerned army authorities regarding pensionary benefits. Further he has also not filed any documentary evidence suggesting applicant having made correspondence with concerned authorities regarding pensionary benefits of his father immediately after the death of his father. Rather, it is suggestive that he belatedly made after a long time.

In view of aforesaid discussion, we do not see reason to condone the delay. Therefore, delay condonation application is dismissed.

O.A. being barred by time is also dismissed.

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

**(Justice Umesh Chandra Srivastava)**  
Member (J)

UKT/-

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

**M.A. No 214 of 2020 Inre O.A. (Nil) of 2020**

**Ex Hav Girish Chandra**  
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>08.12.2020</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 Somesh Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri KP Datta, Ld. Counsel for the applicant and Shri Somesh Ssingh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 05 years, 01 month and 26 days.</p> <p>The submission of Ld. Counsel for the applicant is that applicant was due for promotion to the rank of regular Nb Sub on 01.10.2014 and Sub on 01.10.2016, however, he was superseded for promotion due to overage. Applicant was detained for UN Mission (ITFH) India Tajikistan Friendship Hospital w.e.f. 12.09.2014 to 17.08.2016, and after de-induction was posted to 4002 Field Hospital w.e.f 24.08.2016. Further submission is that applicant while posted in UN Mission submitted application to Officer Incharge, AMC Records for promotion to the rank of Nb Sub but it was denied till completion of tenure with UN Mission abroad and it was stated that further promotion will be considered as per eligibility and vacancy. Further submission is that applicant again submitted application dated 21.10.2016 to OIC Records regarding his promotion to the rank of Nb sub but the same was not considered. Applicant then appealed to Officer in Charge, Records AMC, Lucknow after his discharge from service but the same was also not considered. Thus, his submission is that delay in filing Original Application is neither deliberate nor intentional, but for the reasons stated above.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered.</p> <p>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>Accordingly, delay is <b>condoned</b>.</p>

Let Original Application be registered.

**O.A. No. 707 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 the matter before Registrar on **26.03.2021** for exchange of pleadings.

List the matter before Tribunal on **16.04.2021**.

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

**(Justice Umesh Chandra Srivastava)**  
Member (J)

UKT/-



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

**M.A. No 70 of 2020 Inre O.A. (Nil) of 2020**

**Smt Ganga Devi, W/o Late Ex Hav Sher 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>08.12.2020</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 RKS Chauhan , Advocate on behalf of the respondents is taken on record.</p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents are present.</p> <p>The Original Application has been filed with delay of 01 year, 01 month and 04 days.</p> <p>The submission of Ld. Counsel for the applicant is that delay in filing Original Application is neither deliberate nor intentional, but for the reasons stated in affidavit filed in support of application.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered.</p> <p>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>Accordingly, delay is <b>condoned</b>.</p> <p>Let Original Application be registered.</p> <p><b><u>O.A. No. 705 of 2020</u></b></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>26.03.2021</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>01.04.2021</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>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 930 of 2019 with M.A. No 931 of 2019 Inre T.A. No 361 of 2010**

**Ex Hav Lautan 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>08.12.2020</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 RC Shukla Advocate on behalf of the respondents is taken on record.</p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>This Recall Application has been filed with delay of 07 years, 02 months and 13 days.</p> <p>The submission of Ld. Counsel for the applicant is that T.A. was initially filed in Hon'ble High Court of Judicature at Allahabad as Civil Misc. Writ Petition No. 32764 of 2006 which was transferred to this Tribunal after its constitution and re-numbered as T.A. No 361 of 2010. After transfer, applicant engaged Shri PN Chaturvedi, Advocate as his counsel for conducting the case on his behalf. Further submission is that after having engaged applicant could not contact with his counsel for some personal problems and financial hardship, and in November, 2017, when he met with him, he came to know about T.A. being dismissed for want of instructions. Further submission is that Shri PN Chaturvedi told the applicant that paper book of the case had misplaced and assured to get T.A. restored. Further submission is that after being failed to make telephonic contact applicant came to Lucknow on 07.11.2019 and then he came to know that Shri PN Chaturvedi had passed away a few months back. Thereafter, he engaged another counsel who prepared the case and filed the present O.A.</p> <p>Learned counsel for the respondents has vehemently opposed the prayer saying there is inordinate delay of 7 years which has not been properly and satisfactorily explained.</p>

Upon hearing submissions of Ld. Counsel for both sides and considering the facts and circumstances of the case, we find that applicant has cooked up a story to get 7 years delay in the name of his previous counsel Shri PN Chaturvedi on whose statement the T.A. was dismissed as he had no instructions in the matter.

In view of above, we do not see any reason to condone the delay in filing recall application.

Accordingly, delay condonation application is **dismissed**.

Recall application being barred by time is also **dismissed**.

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

**(Justice Umesh Chandra Srivastava)**  
Member (J)

UKT/-









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

**O.A. No 602 of 2018**

**Smt Betee Devi, Widow of Sep (Late) Dasharat 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>08.12.2020</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 Bachchan Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>On call of the case Shri Rajeev Tiwari, AAO, PCDA (P) Allahabad is also present and he submits that Corrigendum PPO has already been received in the office of State Bank of India, Branch – Chhibramau, District Kannauj (U.P.) and Rs 5,57,810/- as arrear has also been credited in applicants account in October 2019. He also submits that family pension @ Rs 7875/- is also regularly being paid to the applicant in her account since October 2019.</p> <p>For grant of above, learned counsel for the applicant submits that he has no idea about above payment. He prays for and is allowed two weeks time to check from his client.</p> <p>List on <b>04.01.2021</b> for orders.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>UKT/-</p>

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

**R.A. No 55 of 2019 Inre O.A. No 567 of 2018**

**Ex AC Bishwajeet Banerjee**  
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>08.12.2020</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 VP Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>This application has been filed under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008, to review the order dated 30.09.2019, passed by this Tribunal in O.A. No 567 of 2018, by which the O. A. has been dismissed.</p> <p>Submission of learned counsel for the applicant is that in a similarly situated matter (O.A. No 30 of 2017) the Armed Forces Tribunal, Regional Bench, Chennai has allowed the O.A. and, keeping in view the said judgment, Review Application be also allowed, and while reversing the order dated 30.09.2019 under review, the O.A. be allowed.</p> <p>Respondents have vehemently opposed the prayer submitting that order under review has been passed after hearing the parties at length and, therefore, the same cannot be reviewed in light of order passed by another Regional Bench in another O.A. in similar matter, more so, when that order was already in existence not only when the order impugned was passed but even when the O.A. was filed, but was not brought to notice of Tribunal.</p> <p>Upon hearing the submissions of learned counsel of both sides and considering the facts and circumstances of the case, we find that scope of review jurisdiction is very limited and re-hearing in the garb of review is not permissible in law. We have gone through the order under review and we find</p>

that it has been passed in proper prospective after considering all the facts and circumstances of the case as well as appraising the evidence. The Review application is not maintainable for this reason also that the order, from which parity is being claimed, was in existence not only when the impugned order was passed but even when the O.A. was filed but was not brought to notice. We further find that no illegality or irregularity being committed and being no apparent error in the order, no interference is required in review jurisdiction. Being aggrieved, applicant could have availed the appellate forum for redressal of grievances instead this Tribunal.

In view of above Review Application is **dismissed**.

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

**(Justice Umesh Chandra Srivastava)**  
Member (J)

UKT/-

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

**R.A. No 48 of 2018 Inre T.A. No 133 of 2010**

**Govt of India Through Secretary Defence,**  
**Sena Bhawan & another**  
By Legal Practitioner for the Applicantst

Applicants

**Versus**

**Yogendra Singh Tomar**  
By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.12.2020</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 Namit Sharma, Ld. Counsel for the applicants and Shri DKS Rathore, Ld. Counsel for the respondents are present.</p> <p>This application has been filed under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008, to review the order dated 20.09.2017, passed by this Tribunal in T.A. No 133 of 2010, by which T.A. has been allowed and while setting aside the dismissal order of the respondent, the review applicants have been directed to grant all consequential benefits, perks and salary to the respondent including full salary in accordance with rules for the full length of service of the rank which he was holding with pension and other benefits along with interest besides being directed to pay Rs. 2 lacs as cost.</p> <p>There is delay of 10 months and 3 days in filing review application for which delay condonation application has been moved separately.</p> <p>Learned counsel for the review applicants submits that keeping in view the peculiar facts and circumstances of the case, delay in filing application be condoned. He further submits that respondent obtained the order under review by playing fraud upon the Tribunal and, in view of settled law that based on fraud is a nullity, the same should be quashed. He further submits that the Hon'ble Apex Court in number of cases has held that delay in filing application should be dealt liberally, as the foremost objective and purpose of</p>

Court/Tribunal is to impart substantial justice which should not be denied on delay and latches.

Learned counsel for the respondents has vehemently opposed the prayer and submitted that Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008, postulates that no application shall be entertained beyond the period of thirty days from the date of receipt of copy of the order sought to be reviewed and there being no provision in Rules conferring power to condone the delay, Tribunal lacks jurisdiction entertaining and deciding the application if not filed in the given time. He further submitted that review application is also not maintainable as all grounds taken in it have been taken in O.A. and considered while passing the impugned order. He further submitted that if review applicants felt aggrieved with the order, they had remedy of appeal against the same and the said remedy being not exhausted, they cannot press the issue before the Tribunal by way of review.

Upon hearing the submissions of learned counsel of both sides and considering the facts and circumstances of the case, we find that there being no provision in Armed Forces (Procedure) Rules, 2008, condoning delay in filing review application, application deserves dismissal. Further, all grounds taken in the review application being taken in O.A. and considered cannot be raised again by way of review as remedy, in such matters lies in appeal.

Apart from above, the settled proposition of law is that scope of review jurisdiction is very limited and re-hearing in the garb of review is not permissible. The judgment sought to be reviewed has been passed in proper prospective manner, after considering all the facts and circumstances of the case. Applicant has not shown any error apparent on the face of the record in the impugned order which may be corrected in exercise of review jurisdiction. Thus review application deserves to be dismissed on merit also, as this Tribunal cannot sit in appeal over its own order in review jurisdiction.

In view of above, Review Application is **dismissed** on both, the delay and merits.

**(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. 363 of 2019 with M.A. No. 609 of 2019

**Ex Hav Hari Ram**

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>08.12.2020</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, 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>Amendment application filed by learned counsel for the applicant is <b>allowed.</b></p> <p>Let amendment be incorporated within a week.</p> <p>List on <b>18.12.2020</b> for orders.</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)**

O.A. No. 430 of 2019

**Sep Deep Chandra**  
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>08.12.2020</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 is present on behalf of the applicant to represent his cause.</p> <p>Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative is 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>10.05.2021</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 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)**

**M.A. No. 128 of 2018 with R.A. No. 15 of 2018**  
**Inre O.A. No. 376 of 2017**  
**alongwith**  
**R.A. No 44 of 2019 with M.A. No. 638 of 2019**

<b>Rama Kant</b> By Legal Practitioner for the Applicant	<b>Versus</b>	Applicant
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents		Respondents
<b>Union of India &amp; Others</b> By Legal Practitioner for Applicants	<b>Versus</b>	Applicants
<b>Rama Kant</b> By Legal Practitioner for the Respondent		Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.12.2020</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 Dharmesh Sinha, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;"><b><u>R.A. No 44 of 2019 with M.A. No. 638 of 2019</u></b></p> <p>This is second application for review of order passed on 27.02.2018 in O.A. No. 376 of 2017. The earlier Review Application has been allowed on 09.08.2018 and the order has been suitably corrected. After the order being reviewed and suitably corrected, second review application is not maintainable and, therefore, the same is <b>dismissed</b>.</p> <p style="text-align: center;"><b><u>Ex-A/128 of 2018</u></b></p> <p>After order passed in review application No 1, respondents were directed by this Tribunal vide order dated 03.01.2019 to seek clarification from the PCDA (P), Allahabad as to why disability pension for two years has not been granted to applicant as directed by this Tribunal. Despite the same respondents have not sought any clarification nor have complied with the order.</p> <p>They are directed to ensure compliance of the order within four weeks positively failing which they shall be liable to pay Rs 10,000/- as cost and in the event of non compliance the matter will be seriously viewed.</p> <p style="text-align: center;">List on <b>19.01.2021</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>



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

**Ex-A/18 of 2018 Inre T.A. No. 133 of 2010**  
**alongwith**  
**M.A. No. 1527 of 2018 with R.A. No. 48 of 2018**  
**Inre T.A. No. 133 of 2010**

**Yogendra Singh Tomar** Petitioner  
 By Legal Practitioner for the Petitioner

**Versus**

**Govt of India through Secretary Defence**  
**Sena Bhawan & another** Respondents  
 By Legal Practitioner for Respondents

**Govt of India through Secretary Defence**  
**Sena Bhawan & another** Respondents-Applicant  
 By Legal Practitioner for Respondents-Applicant

**Versus**

**Yogendra Singh Tomar** Respondent-Petitioner  
 By Legal Practitioner for the Respondent-Petitioner

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.12.2020</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 DKS Rathore, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;"><b><u>R.A. No. 48 of 2018</u></b></p> <p>This review application has been filed by respondents with delay of 10 month and 03 days for review of order dated 20.09.2017 under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008. Relevant portion of aforementioned Rule is reproduced as under:</p> <p style="text-align: center;"><i>“18. Application for review. – (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.            (2) -----“</i></p> <p>A plain reading of Rule 18 (1) (supra) shows that no application for review shall be entertained after expiry of thirty days from the date of receipt of copy of the order which according to the office report, the present review application has been filed after expiry of stipulated period.</p> <p>This Tribunal vide order dated 20.09.2017 had allowed the O.A.</p> <p>Ld. Counsel for the applicant has not invited attention of the Tribunal to any provision of the aforesaid Rules under which the Tribunal is empowered to condone delay in preferring review application.</p> <p>Since the present application for review of the order dated 20.09.2017 has been filed after expiry of thirty days, it is barred by time.</p> <p>Accordingly, the applications for condonation of delay as well as application for review are <b>rejected</b> being not maintainable.</p>

**Ex-A/18 of 2018**

Respondents are directed to make compliance of order within four weeks.

List on **21.01.2021**.

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

**(Justice Umesh Chandra Srivastava)**  
Member (J)

rathore















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

**Ex-A/203 of 2016 Inre T.A. No. 39 of 2013**

**Selina John**  
By Legal Practitioner for the Petitioner

Petitioner

**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>08.12.2020</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 listed for hearing Maj RD Singh (Retd), learned counsel for the petitioner and Shri DK Pandey, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri DK Pandey, learned counsel for the respondents submits that stay order passed by the Hon'ble Supreme Court is still in force.</p> <p>List on <b>03.05.2021</b>.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) 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)

R.A. No. 56 of 2019 Inre O.A. No. 23 of 2019

**Ex Sub Umesh Chandra**  
 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>08.12.2020</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 listed for hearing none is present on behalf of the applicant to represent his cause nor any mention has been made on his behalf.</p> <p>Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative is present.</p> <p>The case is <b>dismissed</b> for want of prosecution.</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)**

Ex-A/153 of 2018 Inre O.A. No. 477 of 2017

**Wg Cdr SP Rathore (Retd)**  
 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>08.12.2020</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 by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">On the case being listed for hearing Shri R Chandra, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents submits that appeal filed against the order under execution has been allowed by the Hon'ble Supreme Court on 11.12.2019. He further submits that two weeks time be given to him to bring certified copy of the judgment delivered in appeal, which is allowed.</p> <p style="text-align: center;">List on <b>04.01.2021.</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>rathore</p>

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

**Ex-A/207 of 2018 Inre O.A. No. 6 of 2018**

**Shiw Prasad Tripathi**  
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>08.12.2020</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 listed for hearing Shri R Chandra, learned counsel for the applicant and Shri Ashish Kumar 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>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)**

**Ex-A/208 of 2018 Inre O.A. No. 5 of 2018**

**Pandey Shambhu Prasad Sharma**  
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>08.12.2020</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 listed for hearing Shri R Chandra, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Learned counsel for the respondents seeks and is allowed two weeks time to file affidavit of compliance.</p> <p>List on <b>08.01.2021</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>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. 483 of 2019**

**Ex Hav (Hony Nb Sub) Ram Naresh**  
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>08.12.2020</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 SG Singh and Shri Anand Yadav, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;">Heard.</p> <p style="text-align: center;">Order is <b>reserved</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>rathore</p>

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

**Ex-A/227 of 2018 Inre O.A. No. 649 of 2017**

**Ex Sub Rakesh 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>08.12.2020</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 listed for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant admitted 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)**

**Ex-A/37 of 2019 Inre O.A. No. 266 of 2012**

**Ptr Shubhash Chand**  
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>08.12.2020</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 listed for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri Rajiv Tiwari, representative of PCDA (P), Allahabad submits that PPO in this regard has been issued on 11.11.2020.</p> <p>Shri GS Sikarwar, learned counsel for the respondents prays for and is allowed two weeks time to file affidavit of compliance annexing therewith copy of PPO.</p> <p>List on <b>04.01.2021</b>.</p> <p style="display: flex; justify-content: space-between;"><span><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</span><span><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></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. (A) No 594 of 2018**

**Nk Gyaneshwar Prasad Pandey**  
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>08.12.2020</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 listed for hearing Shri Rishabh Tripathi, Advocate appeared on behalf of the applicant and submitted that some reasonable time be given to file memo of appearance on behalf of the applicant as Shri SP Tripathi has left for heavenly abode.</p> <p style="text-align: center;">Shri RC Shukla, learned counsel for the respondents is present.</p> <p style="text-align: center;">Let rejoinder affidavit alongwith memo of appearance be filed within two weeks.</p> <p style="text-align: center;">List on <b>15.03.2021</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>rathore</p>

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

**Ex-A/1 of 2018 Inre T.A. No. 1290 of 2010**

**Arvind Kumar Katiyar**  
By Legal Practitioner for the Petitioner

Petitioner

**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>08.12.2020</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 listed for hearing Shri Shailendra Kumar Singh, learned counsel for the petitioner and Shri Kaushik Chatterji, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Learned counsel for the respondents submitted that notice on stay application has been issued to applicant in the year 2018, but because of his non co-operation by not filing objection/counter affidavit, needful could not be done in the matter. He again seeks adjournment on account of pendency of the matter in Hon'ble Apex Court which is not tenable. However, in the interest of justice and as a last chance four weeks further time is granted to bring stay order on payment of Rs 10,000/- as cost.</p> <p style="text-align: center;">List on <b>20.01.2021</b>.</p> <p style="display: flex; justify-content: space-around;"><span>(Vice Admiral Abhay Raghunath Karve) Member (A)</span><span>(Justice Umesh Chandra Srivastava) Member (J)</span></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. 447 of 2019**

**Ex Hav Virender 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>08.12.2020</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 V.P. Pandey, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>2. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by means of which applicant has prayed that respondents be directed to condone deficiency in minimum qualifying service for grant of second service pension of Defence Security Corps (DSC) and to grant second service pension to applicant from the date of discharge i.e. 31.08.2019.</p> <p>3. Briefly stated facts are that applicant was enrolled in Indian Army on 07.09.1982 and after completing 17 years and 14 days of service he was discharged from service w.e.f. 30.09.1999 (AN). He was re-employed in Defence Security Corps (DSC) on 15.06.2005 and after completing 14 years and 78 days of service discharged from service on 31.08.2019 (AN) at the age of 57 years. As per rule, 15 years of minimum service is required for second service pension, but as there was deficiency of 287 days in qualifying service, applicant was not granted second service pension of DSC. Applicant has preferred the present O.A. for condoning the short fall in service for grant of second service pension for his services rendered in Defence Security Corps.</p> <p>4. It is submitted by learned counsel for the applicant that as per Govt. of India, Ministry of Defence letter dated 14.08.2001 condonation of shortfall in qualifying service for grant of pension in respect of personnel below officers rank shortfall of 12 months in qualifying service is allowed. However, there being a shortfall of 287 days in the case of applicant, shortfall was not condoned in view of Govt of India, Ministry of Defence letter dated 14.08.2001. Learned counsel for the applicant also relied upon Judgment of Armed Forces Tribunal (RB) Chandigarh in O.A. No. 1711 of 2012 <b><i>Nand Kishore vs. Union of India and Others</i></b> decided on 18.07.2012 and <b><i>Union of India and another vs. Surender Singh Parmar</i></b> in Civil Appeal No. 9389 of 2014 decided on</p>

20.01.2015.

5. Learned counsel for the applicant further submits that Para 173 of Defence Service Regulations Part - I, 2008, clearly says that grant of pensionary award to personnel of DSC shall be governed by the same Regulations as are applicable to personnel below officers' rank in the army except where they are inconsistent with the provisions of Regulations. Thus, he submits that Government of India, Ministry of Defence, letter dated 14.08.2001 being equally applicable in case of applicant also, deficiency of 287 days in minimum qualifying service is liable to be condoned and applicant is entitled to second service pension.

6. Per contra, learned counsel for the respondents has vehemently opposed and submitted that applicant on attaining the age of 57 years was discharged from DSC service wef 31.08.2019 under the provisions of Army Rule 13 (3) item III (i) after rendering 14 years and 78 days qualifying service for which he was paid Service gratuity and retirement gratuity. Applicant is deficient of 287 days for grant of second service pension. He submitted that in terms of Para 47 of Pension Regulations for the Army 2008 (Part-1), 'unless otherwise provided for, the minimum qualifying service for earning a service pension is 15 years'. In the instant case, the applicant had rendered only 14 years and 78 days qualifying service in DSC. Hence, he is not entitled for grant of second service pension for the service rendered by him in DSC. His case cannot be considered for condonation of deficiency in qualifying service for grant of second pension in terms of Govt of India, Ministry of Defence letter no. 14(2)/2011/D(Pen/Pol) dated 23 April 2012, as he is already in receipt of one service pension for the former service rendered by him in the Army. The intention behind condonation of service for grant of service pension being based on the policy that individual must not be left high and dry but should be eligible for at least one service pension and the same being not applicable for the second service pension in respect of DSC, Government of India has issued letter dated 20.06.2017 and clarified that 'no condonation shall be allowed for grant of second service pension'. Keeping in view this letter and also that there is deficiency of 287days in qualifying service, as such, applicant is not entitled to second service pension.

7. Having heard the submissions of learned counsel both sides and having gone through Rule 125 of Pension Regulations Part I, Rules 2008 as well as Govt. of India, Ministry of Defence letter dated 14.08.2001, Government of India, Ministry of Defence letter No. 14 (2)/2011/D (Pen) dated 23.04.2012 and letter No 14 (02)/2011 (Pen) dated 20.06.2017, we find that issue regarding condonation of deficiency in minimum qualifying service regarding second service pension of DSC being cropped up in many cases has been dealt with not only by different Benches of the Armed Forces Tribunal but also by the Hon'ble Apex Court in the case of **Shiv Dass vs Union of India and Others** in

Civil Appeal No 274 of 2007, decided on 18.01.2007, and it has been held therein that deficiency in qualifying service upto 1 year is condonable. Taking note of the above and also that there is deficiency of less than 1 year in qualifying service of the applicant and the said deficiency is condonable under Rule 125 of the Army Rules 2008, we find that applicant's claim regarding condonation in deficiency in qualifying service for the grant of second service pension has wrongly been rejected by the respondents.

8. Accordingly, O.A. is allowed. The shortfall of 287 days in minimum qualifying service of the applicant in getting second service pension is condoned. Applicant is held entitled to get second service pension in DSC as well in addition to pension which he is already getting from the Army.

9. The respondents are directed to grant second service pension to the applicant from the date on which applicant completes 15 years after discharge from DSC service i.e. 14.06.2020. They are further directed to implement this order within a period of four months from the date of receipt of certified copy of this order. Delay shall invite interest @ 9% per annum till actual payment.

10. No order as to costs.

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

**(Justice Umesh Chandra Srivastava)**  
Member (J)

SB



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

**O.A. No. 357 of 2019**

**Ex Hav Suresh 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>08.12.2020</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 Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on <b>29.01.2021</b> for final hearing by which date rejoinder affidavit, if any, may be filed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) 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. 419 of 2020 Inre O.A. No. 593 of 2020

Lt Col Balram Tiwari  
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>08.12.2020</u> <b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b> <b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></p> <p>On the case being taken up for hearing Shri Ajay Kumar Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>List application for interim relief on <b>15.01.2021</b> for hearing by which date respondents may file objection, if any.</p> <p><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. 219 of 2016**

**Gp Capt Ajay Gaur**  
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>08.12.2020</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 A.K. Singh, 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>03.02.2021</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><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p>

SB

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

O.A. No. 68 of 2019

<b>Sub Nand Lal Gupta</b> By Legal Practitioner for the Applicant	<b>Versus</b>	Applicant
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u><b>08.12.2020</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: justify;">On the case being taken up for hearing Col Rakesh Johri (Retd) &amp; Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Col Rakesh Johri (Retd), learned counsel for the applicant submits that since applicant has retired from service, some amendment is required to be made in the pleadings.</p> <p style="text-align: justify;">Let amendment application be made within three weeks.</p> <p style="text-align: justify;">List on <b>04.02.2021</b> for orders.</p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p>

SB

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

**O.A. No. 224 of 2016**

**Shivjeet 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>08.12.2020</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 K.K.S. Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on <b>05.02.2021</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. 188 of 2016**

**Durga 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><u><b>08.12.2020</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>Shri Yogesh Kesarwani, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Shri Manoj Kumar Singh, 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>08.02.2021</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> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p>

SB

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

**O.A. No. 330 of 2019**

**Ex Hav Vikram Singh Bhandari**  
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>08.12.2020</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 R. Chandra, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on <b>09.02.2021</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> <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. 121 of 2016**

**Ravi Papnai**  
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>08.12.2020</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.G. Singh, 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>10.02.2021</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)      (Justice Umesh Chandra Srivastava)</b> <b>Member (A)    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. (A) No. 420 of 2017**

**Mohd Meraj Khan (Through Wife Smt Tarannum Nisha)**      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>08.12.2020</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: justify;">On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, 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>11.02.2021</b> for physical hearing at 2.30 PM.</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="display: flex; justify-content: space-around;"><span>(Vice Admiral Abhay Raghunath Karve) Member (A)</span><span>(Justice Umesh Chandra Srivastava) Member (J)</span></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. 193 of 2019**

**Ex Gdr Surendra 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><u><b>08.12.2020</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Manish Misra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Shri Manish Misra, learned counsel for the applicant submits that no copy of counter affidavit has been served to him.</p> <p>Respondents are directed to serve copy of counter affidavit to Shri Manish Misra within a week.</p> <p>Thereafter, rejoinder affidavit, if any, may be filed within three weeks.</p> <p>List on <b>25.01.2021</b> for hearing.</p> <p style="text-align:right"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align:right"><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

O.A. (A) No. 39 of 2017 with M.A. No. 1237 of 2018

**Smt. Sunita Singh W/o Abhishek Kumar Singh (In Custody)**

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>08.12.2020</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>List this case on <b>14.12.2020</b> at 2.30 PM for continued physical hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)    Member (J)</p> <p>SB</p>