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

M.A. No 424 of 2020 Inre O.A. (Nil) of 2020

Ex Hav Raghubansh Chandra Verma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri JN Mishra, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Dharmesh Sinha, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present. Learned counsel for the applicant submits that applicant like to file better affidavit regarding delay condonation application, sometime be given for the same. Let better affidavit as desired be filed within two weeks. List on **14.01.2021** for orders. **(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)
M.A. No 420 of 2020 Inre O.A. (Nil) of 2020

Ex Nk (TS) Mohd Sagir 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Mohd Sagir in person and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 24 years, 02 month and 02 days. 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. Further submission is that it is a pensionary matter in which bar is not applicable. Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered. 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. Accordingly, delay is **condoned**. Let Original Application be registered. **O.A. No. 709 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 **01.03.2021** for exchange of pleadings. List the matter before Tribunal on **23.03.2021.** **(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)
M.A. No 421 of 2020 Inre O.A. (Nil) of 2020

Ex Hav Upendra 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Ms. Appoli Srivastava, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri KKS Bisht, Ld. Counsel for the applicant and Ms. Appoli Srivastava,, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 21 years and 03 months. 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. Further submission is that it is a pensionary matter in which bar is not applicable. Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered. 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. Accordingly, delay is **condoned**. Let Original Application be registered. **O.A. No. 708 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 **01.03.2021** for exchange of pleadings. List the matter before Tribunal on **01.04.2021.** **(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)
M.A. No 423 of 2020 Inre O.A. (Nil) of 2020

Ex Nk Harish Chandra Singh Rautela 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri KKS Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 03 months and 28 days. 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. Further submission is that it is a pensionary matter in which bar is not applicable. Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered. 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. Accordingly, delay is **condoned**. Let Original Application be registered. **O.A. No. 711 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 **01.03.2021** for exchange of pleadings. List the matter before Tribunal on **05.04.2021.** **(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 680 of 2020

Ex Sep Anil Joshi 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Namit Sharma, Advocate on behalf of the respondents is taken on record. Heard Shri KKS Bisht, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. 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 **01.03.2021** for exchange of pleadings. List the matter before Tribunal on **06.04.2021.** **(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)

M.A. No 425 of 2020 Inre O.A. (Nil) of 2020

Ex Sub Maj (Hony Lt) Sant 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record. 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 are present. The Original Application has been filed with delay of 11 months and 2 days. 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. Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered. 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. Accordingly, delay is **condoned**. Let Original Application be registered. **O.A. No. 712 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 **02.03.2021** for exchange of pleadings. List the matter before Tribunal on **07.04.2021.** **(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)

M.A. No 426 of 2020 Inre O.A. (Nil) of 2020

Ex Hav Santosh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Ashish Agnohotri, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Shri Ashish Agnohotri, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 08 years, 07 months and 2 days. 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. Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered. 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. Accordingly, delay is **condoned**. Let Original Application be registered. **O.A. No. 713 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 **02.03.2021** for exchange of pleadings. List the matter before Tribunal on **08.04.2021.** **(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 687 of 2020

Ex Lance Nk Anil 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents. 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 **02.03.2021** for exchange of pleadings. List the matter before Tribunal on **09.04.2021.** **(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 681 of 2020

Ex Nk Shiv Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. 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 **02.03.2021** for exchange of pleadings. List the matter before Tribunal on **12.04.2021.** **(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 685 of 2020

Sub Upendra 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. 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 **03.03.2021** for exchange of pleadings. List the matter before Tribunal on **13.04.2021.** **(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)

Dy No 1382 of 2020 Inre O.A. (Nil) of 2020

Ex WO Dinesh Chand Sharma 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate, holding brief of Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present. Shri Manoj Kumar Awasthi, learned counsel for the applicant submits that two days time be given to him to remove the defects which is allowed. List on **07.01.2021** for orders. **(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 679 of 2020 alongwith M.a. No 422 of 2020

Sub Sanath Kumar Naidu 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents assisted by Capt Priyanka Rathore are present. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit alongwith objection, if any, against interim relief application. List on **19.01.2021** for orders. **(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 408 of 2018

Col Ravinder Singh, SM 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Anand Kumar Yadav, Ld. Counsel for the applicant and Dr. Shaialendra Sharma Atal, Ld. Counsel for the respondents are present. Despite counter affidavit being filed on 29.02.2019, no rejoinder affidavit has been filed by learned counsel for the applicant, therefore, his opportunity to file the same is closed. 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)** UKT/-

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

Court No.1 (E. Court)

R.A. No 36 of 2019 with M.A. No 481 of 2019 Inre O.A. No 362 of 2017

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

Versus

Ex Hav Ramesh Kumar Verma Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashish Kumar Singh, Ld. Counsel for the applicants is present. None is present for the respondent. After having hear the submissions of review applicant, it appears that there is delay of 01 year, 07 months and 14 days in filing review application for which delay condonation application has been moved separately, but the fact remains that disability pension extending the benefits of rounding off @ 50% for life is being paid to the respondent since 01.12.1996 vide PPO No D/Corr/1337/2014 dated 08.08.2013. However, in the order dated 29.08.2017 Passed in O.A. No 362 of 2017, the benefit of rounding of has been given from 27.06.2014, the date on which O.A. was filed. In the given situation, if review application is dismissed being barred by time then respondents would be put to financial loss, and to prevent this situation the review application needs to be allowed. Considering the aforesaid facts, both the delay condonation application and review application are allowed as a special case. Order under review stands amended, as prayed. **(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)

Ex. A. No 35 of 2019 Inre T.A. No 349 of 2010

Ex Nk (TS) Ramayan 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashish Kumar Singh and Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that order under execution has been complied with. He prays for and is granted two weeks time to file affidavit of compliance. List on **21.01.2021** for orders. **(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)

M.A. No 653 of 2019 with M.A. No 654 of 2019 Inre O.A. No 261 of 2018

Vikas Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. In view of facts stated in the affidavit, both the delay condonation application and recall application are allowed. Let O.A. be restored to its original number. **O.A. No 261 of 2018** As prayed by learned counsel for the applicant, rejoinder affidavit may be filed within two weeks failing which opportunity to file the same shall stand closed. List on **25.03.2021** for final hearing. **(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)

M.A. No 644 of 2018 Inre O.A. (Nil) of 2018

Smt Radha 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 03 months. 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. Further submission is that it is a pensionary matter in which bar is not applicable. Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered. 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. Accordingly, delay is **condoned**. Let Original Application be registered. **O.A. No. 715 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 **17.03.2021** for exchange of pleadings. List the matter before Tribunal on **15.04.2021.** **(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)

Ex. A. No 61 of 2019 Inre O.A. No 429 of 2018

Pushkar Misra 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kumar Awasthi and Shri Ashutosh Shahi, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. Affidavit of compliance filed by learned counsel for the respondents is taken on record. Learned counsel for the applicant Shri Manoj Kumar Awasthi submits that respondents have not served copy of affidavit of compliance to him. Let a copy of affidavit of compliance be served to Shri Manoj Kumar Awasthi, learned counsel for the applicant latest by tomorrow. We have gone through the affidavit of compliance and we find that order under execution has been fully complied with. Accordingly, execution application is dismissed in full and final satisfaction. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

M.A. No. 114 of 2019 with M.A. No. 115 of 2019
Inre EX-A/114 of 2018 Inre O.A. No. 245 of 2015

Ajay Kumar Tiwari 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col AK Srivastava (Retd), learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents. **M.A. No. 114 of 2019 with M.A. No. 115 of 2019** Being satisfied with reasons given in affidavit, we allow both the applications i.e. delay condonation application and recall application. **EX-A/114 of 2018** By order dated 11.07.2018 passed by this Tribunal, respondents were directed to submit an affidavit stating therein the details of orders issued to units to re-instate the applicant alongwith copy of letters. Applicant was also directed to furnish name(s) of officer/officers who did not permit him to join the duty. The said order has not been complied with by the parties.. Now it is submitted by learned counsel for the respondents that since applicant did not resume the duty despite being directed in this regard several times, he has been dismissed from service again. Therefore, both the applicant as well as respondents are directed to make compliance of the order within four weeks positively failing which matter would be seriously viewed. **O.A. No. 245 of 2015** List on **28.01.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 56 of 2019

Ex Sep Bharat Chandra Biswas 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Rohit Kumar, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present. Despite respondents being directed to file counter affidavit in this matter on 22.01.2019 they have not filed the same. They are, therefore, directed to file counter affidavit within four weeks positively failing which opportunity to file the same shall be closed without any reference. After counter affidavit being filed, rejoinder affidavit, if any, may be filed within two weeks. List on **15.04.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **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/ 234 of 2018 Inre O.A. No. 248 of 2015

Smt Malti Devi W/O
Hav (Late) Deo Lakhan Prasad Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Bhanu Pratap Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present. Affidavit of compliance filed by respondents is taken on record. We have gone through the affidavit and are of the view that PPO issued is in consonance with the order passed in O.A. Accordingly, execution application is **dismissed** in full and final satisfaction. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 376 of 2019

Ex Sub (Hony Sub Maj) Dalvir Singh Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col Rakesh Johri (Retd), learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents are present. Learned counsel for the respondents submitted that grievances raised in O.A. have been addressed by the respondents and a letter in this regard has already been issued for broad banding of disability pension to 100% with effect from 08.08.2016. He further submitted that a week's time be given to the respondents to file supplementary affidavit to bring letter on record, which is allowed. List on **18.12.2020**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **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/229 of 2018 Inre O.A. No. 298 of 2016

Maj Nagendra Singh Mamik (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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col YR Sharma (Retd), learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents are present. Shri Rajiv Tiwari, representative from PCDA (P), Allahabad is also present and he submits that in compliance of the order not only PPO has been issued but Rs 50,19,702/- as arrears has also been credited in applicant's account in October, 2019. He further submitted that service pension @ Rs 64,740/- per month is being regularly credited in applicant's account. In view of the above, execution application is **dismissed** in full and final satisfaction. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 26 of 2020 with M.A. 416 of 2019

Col Sharad Seth (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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col YR Sharma (Retd), learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents are present. In Chamber. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 117 of 2019

Gajendra 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Girish Tiwari, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present. 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. Heard. Order **reserved**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 182 of 2018

Nk Girraj Singh Tomar 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Maj RD Singh (Retd), learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **19.04.2021** for physical 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)** rathore

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

O.A. No. 206 of 2018 with M.A. 780 of 2019

Sep R Vinoth Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Maj RD Singh (Retd), learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents are present. List on **15.03.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

M.A. No. 170 of 2019 with M.A. No. 171 of 2019
Inre M.A. No. 1916 of 2015

Ex Sigmn Bal Krishan Tipathi 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kumar Awasthi, Learned counsel for the applicant and Mrs Anju Singh, Learned counsel for the respondents are present. **M. A. No. 170 of 2019 with M.A. No. 171 of 2019** Being satisfied with reasons stated in affidavit, both delay condonatin application and recall application are allowed. M.A. No. 1916 of 2015 is restored. **M. A. No. 1916 of 2015** List on **18.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

M.A. No. 1963 of 2018 Inre O.A. No. (Nil) of 2018

Ex Hav (Hony Nb Sub) Satbir 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 08 years, 11 months & 20 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 717 of 2020** It is a fit case for adjudication. Admit. As prayed by learned counsel for the applicant, list on **27.01.2021** for hearing. In the meantime, respondents may file counter affidavit. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 14 of 2019

Krishna Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

EX.A. No. 8 of 2019 Inre O.A. No. 248 of 2016

Ex Sep Sant Lal 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Affidavit of compliance filed by the respondents is taken on record. Learned counsel for the applicant submits that order under execution has been complied with. Accordingly, Execution Application is **dismissed** in full and final satisfaction. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 90 of 2019 Inre O.A. No. (Nil) of 2019

Ex Nk Devendra 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present. There is delay of 01 year, 05 months & 16 days in filing Original Application. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 714 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List on **23.03.2021** before the Registrar for exchange of pleadings. List before the Tribunal on **19.04.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 274 of 2019 Inre O.A. No. (Nil) of 2019

Ex L Nk Konda Anja Goud 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present. There is delay of 18 years, 06 months & 04 days in filing Original Application. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 710 of 2020** Admit. Learned counsel for the applicant submits that applicant has preferred mercy petition dated 22.10.2017 to the respondents but the decision taken on mercy petition has not been communicated to the applicant. With the consent of learned counsel for the parties, we hereby dispose of the O.A. finally with the direction to the respondents to decide the mercy petition of the applicant dated 22.10.2017 by a speaking and reasoned order in accordance with law, if not already decided, within a period of four months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly. With the aforesaid direction, the Original Application is **disposed of** finally. Let a copy of this order be provided to learned counsel for the respondents within 48 hours, free of cost for onward transmission. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

Court No.1 (E. Court)

M.A. No. 478 of 2019 with M.A. No. 479 of 2019 Inre O.A. No. 375 of 2011

Khawajenoor Shamshi 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. There is a delay of 06 years, 08 months and 12 days in filing recall application. Submission of learned counsel for the applicant is that applicant attempted to contact his previous counsel Shri Sudip Dhole, Advocate several times but he could not make contact and even when he visited his chamber to meet him personally, the same could not be possible because of chamber being locked. Further submission is that in Feb. 2019, applicant met Shri Lal Singh, who was also a client of Shri Sudip Dhole, Advocate, and then he came to know through him that his counsel had died in the year 2012. Further submission is that thereafter applicant visited the office of Armed Forces Tribunal, Lucknow and came to know about dismissal of his case on 11.04.2019. Thus, his submission is that delay in filing recall application is not deliberate or intentional, but for the reasons stated above. Learned counsel for the respondents has vehemently opposed the prayer and submitted that there being a delay of more than 6 years and the same being not properly and satisfactorily explained, application should be dismissed. Upon hearing submission of learned counsel of both sides and considering the facts and circumstance of the case, we find that cause shown for the delay is not sufficient. Sufficient cause means day to day explanation of delay which applicant has failed to assign and, in absence of that we do not find any reason to condone the delay. Accordingly, delay condonation application is dismissed. Recall application being barred by time is also **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 243 of 2020

Smt. Pinki 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 87 of 2020 with M.A. No. 891 of 2019

Ex Dafedar (Havildar) Maheshwar 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. Learned counsel for the applicant submits that applicant does not intend to file rejoinder affidavit, therefore, opportunity to file the same is closed. List on **20.04.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 1777 of 2018 Inre O.A. No. (Nil) of 2018

Ex Hav (Hony Nb Sub) Swamy Nath 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Rakesh Kumar Yadav, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present. There is delay of 08 years, 09 months & 28 days in filing Original Application. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 722 of 2020** It is a fit case for adjudication. Admit. Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 237 of 2018

Avtarnath 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Despite counter affidavit filed on 14.09.2018, no rejoinder affidavit has been filed, therefore, opportunity to file the same is closed. List on **22.04.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 100 of 2019

Ex Rect Rahul Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Kaushik Chatterji, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that four weeks time be given to him to file counter affidavit, which is allowed. Let counter affidavit be filed within four weeks from today. Thereafter, rejoinder affidavit, if any, may be filed within two weeks. List on **22.03.2021** before the Registrar for exchange of pleadings. List before the Tribunal on **16.04.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 548 of 2019 Inre O.A. No. 160 of 2015

Rect (Mess Keeper) Dhirendra 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. This is an application to recall the order dated 13.05.2019, passed in O.A. No. 160 of 2015, by which Original Application has been dismissed for non prosecution. Learned counsel for the applicant submits that on 13.05.2019, when the O.A. was fixed for final hearing, applicant's counsel could not appear in Court being out of station to attend the marriage ceremony of his niece. He further submits that applicant himself was present in the Court on that date, however, none being appeared making request for adjournment from applicant's side when the case was called out, the O.A. was dismissed for non prosecution. Thus, he submits that applicant did not commit any fault giving impression to Tribunal as if he was not interested in prosecuting the case. Contrarily, Dr. Shailendra Sharma Atal, learned counsel for the respondents submits that from the order dated 13.05.2019 itself it is clear that applicant was not interested in prosecuting the case, as not only on 13.05.2019 but on previous two occasions also adjournment was sought and allowed on payment of cost which was not paid. Upon hearing submissions of learned counsel of both sides and considering the facts and circumstances of the case, especially the order dated 13.05.2019 which is self explanatory, we do not find any reason to allow the application. Accordingly, recall application is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 1 of 2020 Inre O.A. No. (Nil) of 2020

Ex Hav (Hony Nb Sub) Anandkar Kushwah 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 10 years and 13 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 721 of 2020** It is a fit case for adjudication. Admit. Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 393 of 2019

Col Dinesh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Veerendra Mohan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Learned counsel for the respondents seeks and is allowed two days time to seek instructions regarding place of posting of the applicant at the time of filing Original Application. List on **17.12.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 429 of 2019 Inre O.A. No. (Nil) of 2019

Ex Hav (Hony Nb Sub) Shri Ram 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 09 years, 04 months and 15 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 720 of 2020** It is a fit case for adjudication. Admit. Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 12 of 2019

Satay 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Anju Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Virendra Prasad, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **23.04.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 1916 of 2018 Inre O.A. No. (Nil) of 2018

Ex Hav Surendra Singh Sengar 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 08 years, 11 months and 09 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 719 of 2020** It is a fit case for adjudication. Admit. As prayed by learned counsel for the respondents, list on **15.12.2020**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

Court No.1 (E. Court)

M.A. No. 438 of 2019 Inre O.A. No. (Nil) of 2019

Ex Sub Lal Sahab Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 01 month & 29 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 718 of 2020** It is a fit case for adjudication. Admit. Counter affidavit filed by the respondents is taken on record. Heard. Original Application is allowed. For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 386 of 2017

Ashok Kumar Yadav 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **12.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 75 of 2018

Kamlesh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Devki Nandan Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **17.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. (A) No. 549 of 2017

Om Prakash Applicant
In Person

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing the applicant in person and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **20.05.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 42 of 2019

Ex Hav Jaya Nand Upadhyay 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. 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. 31.01.2007. 3. Briefly stated facts are that applicant was enrolled in Indian Army on 10.10.1969 and after rendering 20 years and 356 days of service he was discharged from service w.e.f. 30.09.1990 (AN) for which he is in receipt of service pension. He was re-employed in Defence Security Corps (DSC) on 14.01.1992 and after completing 14 years and 352 days of service discharged from service on 31.12.2006 (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 13 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. 4. It is submitted by learned counsel for the applicant that as per Rule 125 of Pension Regulations for the Army 1961 condonation of service up to six months is allowed. However, there being a shortfall of 13 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. 333 of 2015 ***Uday Singh vs. Union of India & Others*** decided on 31.05.2016 and ***Union of India and another vs. Surender Singh Parmar*** in Civil Appeal No.

9389 of 2014 decided on 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 13 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 31.12.2006 under the provisions of Army Rule 13 (3) item III (i) after rendering 14 years and 352 days qualifying service for which he was paid Service gratuity and retirement gratuity. Applicant is deficient of 13 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 352 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 and letter No. 14(2)/2011/D (Pen/Pol) dated 20.06.2017, 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 13 days 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 only 13 days 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 13 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. 13.01.2007. 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)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 483 of 2018

Smt. Hemlata 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Lohitaksha Shukla, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **22.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 183 of 2018

Arun Kumar Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Amit Jaiswal, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. List on **16.12.2020** for physical hearing at 2.30 PM. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 707 of 2017

Eshob S.K. 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Bipin Kumar Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Somesh Tripathi, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **06.01.2021** 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)** SB

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

O.A. No. 250 of 2017

Dr. Parul Jain 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri S.S. Rajawat, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **23.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 94 of 2018

Smt. Sundari 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **24.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 30 of 2017

P.K. Mahapatra 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **25.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 291 of 2017

Ram Chandra 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Bipin Kumar Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **26.02.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 181 of 2018 with M.A. No. 427 of 2020

Mahesh Kumar Awasthi 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Ashish Kumar Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Learned counsel for the applicant submits that application may be dismissed as withdrawn. Accordingly, Original Application is **dismissed** as withdrawn. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 261 of 2020

Ram Nath 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **01.03.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

T.A. No. 775 of 2010

R.N. Pandey 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **08.01.2021** for physical hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

EX.A. No. 20 of 2019 Inre O.A. No. 453 of 2017

Ex Sep Bhag Bahadur Tamang 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. Learned counsel for the respondents seeks and is allowed four weeks time, as a last chance, to comply with the order under execution, failing which matter will be seriously viewed and it will be reported to the Chief of the Army Staff. List on **20.01.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

R.A. No. 16 of 2020 with M.A. No. 435 of 2020

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

Versus

Ex Sep Bhag Bahadur Tamang Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Namit Sharma, Ld. Counsel for the applicants. This is an application for condonation of delay in filing review application to review order dated 06.12.2017 passed by this Tribunal in O.A. No. 453 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 review application. Accordingly application for condonation of delay in moving review application is not maintainable and is **rejected**. In consequence thereof review application is also **rejected**. Let a copy of this order be provided to learned counsel for the respondents within 48 hours, free of cost for onward transmission. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

Court No.1

O.A. No. 63 of 2020

Ex Nk Balam 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
	09.12.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Heard Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. 2. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:- "(I) To quash the impugned order dated 09.04.2013, after summoning the same from the respondents, by which the disability pension of the applicant have been rejected. (II) To quash the impugned order dated 24.05.2014, which is annexed as Annexure No. 4 to this original application, by which the disability pension of the applicant have been rejected. (III) To pass an order or direction commanding the respondents to grant the disability pension to the applicant from the date of discharge i.e. 31.01.2013. (IV) To pass an order or direction commanding the respondent to grant the benefits disability pension to the applicant from the date of discharge i.e. 31.01.2013 along with interest @ 18% per annum till the actual realization of aforesaid amount. (v) To pass an order or direction commanding the respondent to grant the benefits of rounding of the disability pension up to the tune of 50% in term of Govt. of India letter dated 31.01.2001 and various Judgment of Apex Court as well as this Hon'ble Tribunal. (VI) Pass any order which this Hon'ble Tribunal deem fit and proper under the facts and circumstances of the case in favour of the petitioner, in the interest of justice. (VII) Allow the Original Application with cost." 3. The facts of the case, in brief, are that the applicant was initially enrolled in the Indian Army on 03.12.1979 and was discharged from service on

31.12.1995 (AN) after rendering 16 years and 29 days of qualifying service for which he is in receipt of service pension. Thereafter, applicant was enrolled in DSC on 21.01.1998 and was discharged from service on 31.01.2013 (AN) after rendering 15 years and 11 days of service in low medical category for which he is in receipt of second service pension. The Release Medical Board (RMB) assessed his disability "PRIMARY HYPERTENSION" @ 30% for life. However, the RMB opined that the disability of the applicant was neither attributable to nor aggravated by military service (NANA) and onset of the disease was in peace station. The applicant's claim for grant of disability pension was not granted by the respondents vide order dated 09.04.2013. His first and second appeals were also rejected vide order dated 24.04.2014 and 27.07.2015 respectively. Hence the instant Original Application has been filed.

4. Learned Counsel for the applicant submitted that the applicant was medically fit when he was enrolled in the service and any disability not recorded at the time of enrolment should be presumed to have been caused subsequently. The action of the respondents in not granting disability pension to the applicant is illegal. In this regard, he relied on the decision of the Hon'ble Supreme Court in ***Dharamvir Singh v. Union of India and others***, (2013) 7 SCC 316 and submitted that for the purpose of determining attributability of the disease to military service, what is material is whether the disability was detected during the initial pre-commissioning medical tests and if no disability was detected at that time, then it is to be presumed that the disability arose while in service, therefore, the disability of the applicant is to be considered as aggravated by service and he is entitled to get disability pension @ 30% for life and the same is to be broad banded to 50%.

5. On the other hand, learned counsel for the respondents has filed the Counter Affidavit and submitted that though the RMB has assessed the disability of the applicant @ 30% for life, it has opined that the disability is NANA and onset of the disability was in peace area. As such, his claim for disability pension has rightly been rejected by the respondents. He submitted that the instant Original Application does not have any merit and the same is to be dismissed.

6. We have heard submissions of both the parties and also gone through the Release Medical Board proceedings as well as the records. The question which needs to be answered is whether the disability of the applicant is attributable to or aggravated by Military Service?

7. After going through counter affidavit and the opinion of the specialist medical officer, we have noted that for the disability of the applicant "**PRIMARY HYPERTENSION**", the only reason for declaring the disease as NANA is that it has originated in peace area and has no close time association with Fd/CI Ops/HAA tenure. However, on further scrutiny, we have observed that this disability was detected in July, 2010, i.e. after 12 years of service in DSC. We are, therefore, of the considered opinion that the reasons given in RMB for declaring disease as NANA is very brief and cryptic in nature and do not adequately explain the denial of attributability. We don't agree with the view that there is no stress and strain of service in military stations located in peace areas. Hence, we are inclined to give benefit of doubt in favour of the applicant. Thus, we are of the considered opinion that disability "Primary Hypertension" @ 30% is to be considered as aggravated by military service because stress and strain of military service in line with the law settled on this matter by the Hon'ble Apex Court in the case of ***Dharamvir Singh*** (supra).

8. The applicant will also be eligible for the benefit of rounding off of his disability from 30% to 50% for life in terms of the decision of the Hon'ble Supreme Court in ***Union of India and others v. Ram Avtar*** (Civil Appeal No 418 of 2012 dated 10.12.2014).

9. Resultantly, the Original Applicatgion is allowed. The impugned orders are set aside. The applicant's disability "**Primary Hypertension**" @ 30% for life, is to be considered as aggravated by military service and his disability element of pension is to be rounded off from 30% to 50% for life from the date of his discharge from DSC i.e.31.01.2013. However, due to law of limitations settled by the Hon'ble Supreme Court in the case of ***Shiv Dass v. Union of India and others*** (2007 (3) SLR 445), the arrear of disability element will be restricted to three years preceding the date of filing of the instant O.A. The date

	of filing of this O.A is 13.12.2019. The respondents are directed to give effect to this order within four months from the date of receipt of a copy of this order. Default will invite interest @ 8% per annum till actual payment. 10. No order as to costs. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB