

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

O.A. No. 716 of 2020

Ex. Sep. Ajit Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Arun Kumar Sahu , Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Satendra Kumar Singh and Shri Shailendra Kumar, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 23.02.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 18.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. no. 393 of 2020 with M.A. No. 394 of 2020
Inre : M.A. No. 215 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. Girraj Kishore
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri R.C. Shukla, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Shri Om Prakash Kushwaha, Ld. Counsel for the applicant is reported to be ill.</p> <p style="text-align: center;">List on 17.03.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 243 of 2020 Inre : O.A. No. 445 of 2017

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Gunner badri Prasad Sharma
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Amit Sharma, Ld. Counsel for the applicants on modification application.</p> <p><u>M.A. No. 243 of 2020</u></p> <p>Ld. Counsel for the applicants submits that in the order dated 24.01.2018 this Tribunal directed that "the applicant is held entitled to disability pension to the extent of 30% for two years which is to be rounded off to 50% for two years. He further submits that the date of discharge of applicant is 31.03.1994 and the policy of broad banding came in vogue w.e.f. 01.01.1996. Hence, order dated 24.01.2018 needs to be amended.</p> <p style="text-align: center;">For the reasons stated above, modification application is allowed.</p> <p>Accordingly, order dated 24.01.2018 passed by this Tribunal in Original Application No. 445 of 2017 is amended to the extent that "The applicant is held entitled for disability pension to the extent of 30% for two years from the date of discharge i.e. 31.03.1994 and, disability pension is to be rounded off from 30% to 50% w.e.f. 01.01.1996 for remaining period of two years i.e. 01.01.1996 to 31.03.1996".</p> <p style="text-align: center;">Let a copy of this order be provided to the Counsel of parties within 48 years.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 365 of 2019 with M.A. No. 47 of 2020

Ex. L/Nk. Ranveer Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shyam Singh, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Shri Rohit Kumar, Ld. Counsel for the applicant is reported to be out of station.</p> <p style="text-align: center;">List on 19.02.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 38 of 2019 Inte : T.A. No. 513 of 2010

Ex. Swr. Satendra Singh By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. B.P. Singh (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Shri Rajiv Tiwari, Senior Accounts Officer, representative of Principal Controller of Defence Accounts (Pension), Allahabad is also present and he submits that apart from Rs.4,51,753/- as back wages Rs.3,51,370/- as Gratuity has already been credited in applicant's account. He further submits that as per order passed in Original Application applicant has been awarded pension for a period of 17 years and 10 days and, accordingly, Rs.6925/- is being credited in applicant's account towards service pension. Thus, he submits that order under execution has been fully complied with.</p> <p>Let affidavit of compliance be filed within four weeks from today indicating therein entire compliances made by the respondents.</p> <p>List on 22.01.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

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

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

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. R.A. Pandey (Retd.) and Shri Arun Kumar, Ld. Counsel for the applicants and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>On the request made by Col. R.A. Pandey (Retd.), Ld. Counsel for the applicant, list this matter on 20.01.2021 for hearing on maintainability.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 82 of 2017 Inre : O.A. No. (Nil) of 2017

Sukhvinder Singh Kandari & Ex. Sub. Gauri Singh
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Sukhvinder Singh Kandari, the applicant No. 1 is present in person.</p> <p>Shri Sateyendra Kumar Mishra, Ld. Counsel for the applicant is also present but after some time he has disappeared.</p> <p>Ms. Appoli Srivastava, Ld. Counsel for the respondents along with Capt. Priyanka, Departmental Representative is also present.</p> <p>Heard Shri Sukhvinder Singh Kandari, applicant No. 1 and Ms. Appoli Srivastava, Ld. Counsel for the respondents on delay condonation application.</p> <p>The Original Application has been filed with delay of 46 years, 06 months and 15 days.</p> <p>Applicant No. 1 submits that all punishments awarded to his father Ex. Sep. Gauri Singh are illegal. He further submits that on the basis of a news published in Amar Ujala news paper in the year 2010 applicant No. 1 came to know regarding admissibility of pension to his father where after his father wrote letter to ASC Records informing him the reasons about his discharge from service as well as for the grant of pension and the same being not conceded, Original Application was filed in the year 2017. He further submits that he and his father being not aware about law, they could not approach earlier for the redressal of grievances. He further submits that delay in filing Original Application is not deliberate or intentional, but for the reasons stated above, therefore, delay be condoned and Original Application admitted and be heard on merits.</p> <p>Ms. Appoli Srivastava, Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that there is a long delay</p>

of more than 46 years regarding which nothing has been said in the affidavit filed in support of delay condonation application, therefore, application deserves to be dismissed.

Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that father of applicant No. 1, Ex. Sep. Gauri Singh was enrolled in the Army on 07.09.1950. We further find that he being a habitual deserter was punished several times and ultimately discharged from service on 23.02.1969 after forfeiting his service under Regulation 123 of the Pension Regulations for the Army, 1961. Thereafter, Ex. Sep. Gauri Singh kept sitting idle for more than 41 years which is indicative of the fact that he was satisfied with the punishment awarded to him. Looking to this, we do not see any reason to condone long delay of more than 46 years, more so when nothing has been said in this regard in the affidavit filed in support of delay condonation application.

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

Original Application being time barred is also **dismissed**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

Ex. A. No. 104 of 2019 Inre : O.A. No. 47 of 2019

Ex. Sgt. Ravi Chaturvedi By Legal Practitioner for the Applicant	Versus	Applicant Respondents
Union of India & Others By Legal Practitioner for Respondents		

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant submitted that order under execution has been complied with.</p> <p>Accordingly, Execution Application is dismissed in full and final satisfaction.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>AKD/-</p>

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Court No.1 (E. Court)

Diary No. 7 of 2020 Inre : O.A. No. (Nil) of 2020

Smt. Ramwati W/o Hari Darshan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Shri Om Prakash Kushwaha, Ld. Counsel for the applicant is reported to be ill.</p> <p style="text-align: center;">List on 25.02.2021.</p> <p style="text-align: center;">In the meantime Ld. Counsel for the applicant shall remove the defects pointed out by the registry.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 50 of 2019 Inre : O.A. No. 69 of 2018

Smt. Mira Devi W/o (Late) Gnr. Arun 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
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Bipin Kumar Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Shri Bipin Kumar Singh, Ld. Counsel for the respondents submits that P.P.O. has been issued and also that a week time be given to him to file affidavit of compliance, which is allowed.</p> <p style="text-align: center;">Let affidavit of compliance be filed within a week.</p> <p style="text-align: center;">List on 14.01.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 59 of 2019 Inre : O.A. No. 182 of 2017

Ex. Sep. Neeraj Bhatt Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents prays for and is granted four weeks further time to file affidavit of compliance.</p> <p>List on 22.01.2021 for orders.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 201 of 2016 Inre : T.A. No. 111 of 2012

Vineeta Kohli By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ram Kumar Verma, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed two weeks time to make compliance of order dated 30.09.2020.</p> <p style="text-align: center;">List on 03.02.2021 for orders.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="text-align: center; width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 10px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

Ex-A/150 of 2018 Inre O.A. No. 569 of 2017
alongwith
M.A. No. 2022 of 2018 with R.A. No. 81 of 2018
Inre O.A. No. 569 of 2017

Hony Nb Sub Ram Awadh Rai	Applicant
By Legal Practitioner for the Applicant	
Versus	
Union of India & Others	Respondents
By Legal Practitioner for Respondents	
Union of India & Ors	Applicant-Respondents
By Legal Practitioner for the Applicant-Respondents	
Versus	
Hony Nb Sub Ram Awadh Rai	Respondent-Applicant
By Legal Practitioner for Respondent-Applicant	

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents are present.</p> <p style="text-align: center;"><u>Ex-A/150 of 2018</u></p> <p>Shri Rajiv Tiwari, representative PCDA (P), Allahabad is also present and he submits that in compliance of letter dated 21.02.2020 Rs 2,62,571/- has been credited in applicant's account towards arrears in June, 2020. He further submits that applicant is also being paid Rs 31,653/- per month as pension.</p> <p>In view of above, order under execution has been complied with.</p> <p>Application is disposed of accordingly.</p> <p style="text-align: center;"><u>R.A. No. 81 of 2018</u></p> <p>This review application has been filed by Respondents with delay of 10 month and 09 days for review of order dated 09.01.2018 under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008. Relevant portion of aforementioned Rule is reproduced as under:</p> <p style="text-align: center;"><i>“18. Application for review. – (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.</i> <i>(2)</i>”</p> <p>A plain reading of Rule 18 (1) (supra) shows that no application for review shall be entertained after expiry of thirty days from the date of receipt of</p>

copy of the order which according to the office report, the present review application has been filed after expiry of stipulated period.

This Tribunal vide order dated 09.01.2018 had allowed the O.A.

Learned counsel for the applicant-respondents has not invited attention of the Tribunal to any provision of the aforesaid Rules under which the Tribunal is empowered to condone delay in preferring review application.

Since the present application for review of the order dated 09.01.2018 has been filed after expiry of thirty days, it is barred by time.

Accordingly, the applications for condonation of delay as well as application for review are **rejected** being not maintainable.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

rathore

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

Dy No. 496 of 2020 Inre O.A. (Nil) of 2020

Rect Brij Bhushan 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
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents are present.</p> <p>Learned counsel for the applicant submits that a week's time be given to him to remove the defects, which is allowed.</p> <p>List on 06.01.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

Ex-A/62 of 2019 Inre O.A. No. 627 of 2017

Ex Nk Satya Kumar Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that some more time be given to her to file affidavit of compliance as the matter is under process.</p> <p>Let affidavit of compliance be filed within four weeks, as prayed.</p> <p>List on 05.02.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

Ex-A/87 of 2019 Inre O.A. No. 471 of 2017

Ex Hav Chet Ram By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vishwash Kumar, learned counsel for the applicant and Dr. SN Pandey, learned counsel for the respondents are present.</p> <p>As a last chance two weeks time is granted to learned counsel for the applicant to file objection against PPO.</p> <p>List on 19.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. (A) No 383 of 2018 with M.A. No. 838 of 2019
and M.A. No. 498 of 2019

Cpl Achchhan Shekh through his
Wife Smt Shaheen Shekh
By Legal Practitioner for the Appellant

Appellant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents are present.</p> <p>List on 24.03.2021 alongwith O.A. No. 169 of 2020.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 98 of 2016 alongwith T.A. No. 99 of 2016
(decided) and T.A. No. 48 of 2017

Surendra Singh Saxena
By Legal Practitioner for the Petitioner

Petitioner

Versus

The Commanding Officer,
658 Engr & Brigade Unit & Ors
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Bachchan Singh, learned counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 11.05.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 145 of 2019

Bhagwan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents are present.</p> <p>List on 25.05.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

Court No.1

O.A. No. 410 of 2018

Sub/DT Prasant Kumar Sahoo
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents, assisted by Departmental Representative.</p> <p>Respondents are directed to clarify that how and why one additional vacancy was released in the case of Harmesh Yadav as mentioned in counter affidavit as pointed out in para 28 of counter affidavit "<i>The qualified candidates for PC list at Sr no. 6 Hav (now Captain) Harmesh Yeadav & at Sr no. 7 Hav (Now Captain) Shaju EK, in the merit list has secured the same marks. However Hav Shaju EK who was senior in the present rank was inadvertently granted Permanent Commission & Hav Harmesh Yadav was featuring in the zone of merit as regard SSB PC (NT) grading, age, seniority & medical fitness i.e. he was meeting all the eligibility criteria.</i>"</p> <p>Learned counsel for the applicant has relied on para 34 of the judgment of Hon'ble Apex Court in the case Tridip Kumar Dingal & Ors vs. State of West Bengal & Ors in Civil Appeal No. 6444-6449 of 2008 decided on 04.11.2008 in which it is held that "<i>The Tribunal and the High Court were, therefore, right in holding in the second round that the merit list was required to be prepared on the basis of composite marks obtained by candidates at the written examination and oral interview both and not only on the basis of marks at the oral interview.</i>"</p> <p>Relying on this, learned counsel for the applicant submitted that this is applicable to the instant case where the merit list ought to have been prepared by combining the marks of written examination and SSB.</p> <p>Having heard learned counsel of both sides and the material issue in front of us is the preparation of merit list.</p> <p>Respondents are required to submit by way of affidavit rational for releasing only 06 vacancies for PC in 2011 when in fact there was deficiency of 46 in this rank.</p>

In this regard respondents are directed to file affidavit within four weeks from today to bring out all the facts on record, how the merit list was prepared, by which authority and what all facts were considered by preparing the merit list.

List on **27.01.2021** 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.

Let a copy of the order be provided to the Departmental Representative, free of cost, for making necessary compliance.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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