

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

O.A. No. 162 of 2020

Smt Beena, W/O Late
Ex Hav Sunil Singh & Others
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>13.10.2020</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 Ashok Singh, Ld. Counsel for the applicants and Shri Anurag Mishra, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri Anurag Mishra, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Shri Anurag Mishra, Ld. Counsel for the respondents No 1 to 5 seeks and is allowed four weeks time to file counter affidavit. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter.</p> <p>Issue notice to respondent No 6 who may file counter affidavit by the next date fixed.</p> <p>List on 15.12.2020 before Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

M.A. No. 220 of 2020 Inre O.A. (Nil) of 2020

Smt Prabhawati Devi
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>13.10.2020</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 BB Tripathi, Ld Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative is present.</p> <p>Dr. Chet Narain Singh, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Let notice be issued to respondent No 4 and 5 returnable by the next date.</p> <p>Per contra, Ld. Counsel for the respondents submits that there being a delay of 03 years, 11 months & 06 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 311 of 2020</u></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 this case on 04.01.2021 before the Registrar Court for exchange of pleadings.</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>gsr</p>

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

M.A. No. 81 of 2020 Inre O.A. (Nil) of 2020

Nityanand Mondal
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>13.10.2020</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 Gyan Singh Chauhan and Shri KB Singh, Ld. Counsel of the applicant and Mrs Deepti Prasad Bajpai, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Mrs Deepti Prasad Bajpai, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>The Original Application has been filed against promotion with delay of 07months.</p> <p>Submission of learned counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in supplementary affidavit filed in support of application.</p> <p>Learned counsel for the respondents has opposed the prayer saying applicant has not properly explained the delay.</p> <p>Having heard the submission of learned counsel of both sides, we find that grounds shown for the delay are genuine.</p> <p>As such, we condone the delay. M.A. stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 310 of 2020</u></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 this case on 04.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

O.A. No. 177 of 2020

Smt Jyoti Bhandari, W/O Late
Ex Lance Nk Manoj Singh Bhandari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2020</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 KKS Bisht, Ld. Counsel for the applicant and Shri Rajeev Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri Rajeev Pandey, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Heard. 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 this case on 04.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

M.A. No. 230 of 2020 Inre O.A. (Nil) of 2020

Smt Kamla Devi, W/O Late
Ex Cfn Bahadur 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>13.10.2020</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 listed for hearing, Shri Saurabh Gautam, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri Shyam Singh, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>The Original Application has been filed against promotion with delay of 02 months and 02 days.</p> <p>Submission of learned counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in supplementary affidavit filed in support of application.</p> <p>Learned counsel for the respondents has opposed the prayer saying applicant has not properly explained the delay.</p> <p>Having heard the submission of learned counsel of both sides, we find that grounds shown for the delay are genuine.</p> <p>As such, we condone the delay. M.A. stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 315 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Respondents are directed to file counter affidavit within two weeks. Rejoinder affidavit, if any, may be filed by Ld. Counsel for the applicant within next two weeks.</p> <p>List this case on 04.01.2021 before the Registrar Court for exchange of pleadings.</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>gsr</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 2020 with M.A. No. 83 of 2020
Inre O.A. No. 545 of 2018

Ex Rect Raj Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2020</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, applicant in person and Mrs Deepti Prasad Bajpai, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Mrs Deepti Prasad Bajpai, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>This is an application for condonation of delay of 03 months and 05 days in filing application for grant of leave to appeal in O.A. No. 545 of 2018. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is rejected.</p> <p>In consequence thereof application for leave to appeal is also rejected.</p> <p style="text-align:right">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

R.A. No. 57 of 2019 Inre O.A. No. 523 of 2019

Hony Nb Sub Jeet Bahadur
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>13.10.2020</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 listed for hearing, Shri VP Pandey, Ld. Counsel for the applicant and Dr. Chet Narain Singh alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Dr. Chet Narain, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Ld. Counsel for the respondents submitted that in compliance of order dated 16.10.2019 of this Tribunal PPO has been issued in terms of Govt of India, Min of Defence (GOI, MOD) letter dated 12.06.2009 and revised pension is being credited in applicant’s account.</p> <p>Ld. Counsel for the respondents is directed to supply copy of PPO to Ld. Counsel for the applicant during course of the day.</p> <p>Ld. Counsel for the applicant submitted that he has to seek instructions from the applicant regarding alleged payment, a reasonable time be given for the same.</p> <p>Applicant’s Ld. Counsel to seek instructions regarding payment and apprise the Tribunal by the next date.</p> <p style="text-align: center;">List on <u>24.11.2020</u>.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

Ex-A/133 of 2019 Inre O.A. No. 329 of 2018

Surendra Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2020</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, Ld. Counsel for the applicant and Mrs Deepti Prasad Bajpai, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Mrs Deepti Prasad Bajpai, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>In regard to order dated 24.07.2018 of this Tribunal passed in O.A. No. 329 of 2018, submission of Ld. Counsel for the respondents is that dispute form submitted by the applicant has been disposed off on 08.04.2020. Her further submission is that a letter in this regard has also been issued informing the applicant about the decision taken in his matter. However, Ld. Counsel for the applicant denies receipt of any such letter and submits that respondents' Ld. Counsel be directed to furnish copy of the letter to him so that he may be able to challenge the decision taken by the respondents in a fresh O.A.</p> <p>Ld. Counsel for the respondents is directed to furnish copy of letter dated 08.04.2020 to Ld. Counsel for the applicant within 07 days.</p> <p>As the order under execution has been complied with, as stated by Ld. Counsel for the respondents, application stands decided.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

Ex-A/134 of 2019 Inre O.A. No. 308 of 2018

Nisarudeen M
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>13.10.2020</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, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Ms. Amrita Chakraborty, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>In regard to order dated 11.07.2018 of this Tribunal passed in O.A. No. 308 of 2018, submission of Ld. Counsel for the respondents is that dispute form submitted by the applicant has been disposed off on 08.04.2020. Her further submission is that a letter in this regard has also been issued informing the applicant about the decision taken in his matter. However, Ld. Counsel for the applicant denies receipt of any such letter and submits that respondents' Ld. Counsel be directed to furnish copy of the letter to him so that he may be able to challenge the decision taken by the respondents in a fresh O.A.</p> <p>Ld. Counsel for the respondents is directed to furnish copy of letter dated 08.04.2020 to Ld. Counsel for the applicant within 07 days.</p> <p>As the order under execution has been complied with, as stated by Ld. Counsel for the respondents, application stands decided.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

Ex-A/125 of 2019 Inre O.A. No. 544 of 2018

Ex Nb Ris Raju
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>13.10.2020</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, Ld. Counsel for the applicant and Mrs Deepti Prasad Bajpai, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Mrs Deepti Prasad Bajpai, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Ld. Counsel for the respondents submitted that in compliance of order passed by this Tribunal, PPO has been generated.</p> <p>She seeks and is allowed two weeks time to file compliance report.</p> <p>List this case on 13.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

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

Ex Nk Karnail Singh
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>13.10.2020</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-indent: 40px;">Heard Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative.</p> <p style="text-indent: 40px;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p style="text-indent: 40px;">Per contra, Ld. Counsel for the respondents submits that there being a delay of 02 years & 16 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p style="text-indent: 40px;">Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p style="text-indent: 40px;">Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-indent: 40px;">Let Original Application be registered.</p> <p><u>O.A. No. 314 of 2020</u></p> <p style="text-indent: 40px;">It is a fit case for adjudication.</p> <p style="text-indent: 40px;">Admit.</p> <p style="text-indent: 40px;">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 style="text-indent: 40px;">List this case on 05.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

O.A. No. 394 of 2018 with M.A. No. 181 of 2019

Ex Naik Amit Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2020</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, none is present on behalf of the applicant. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative is present.</p> <p>Heard.</p> <p>Amendment application filed by Ld. Counsel for the applicant is rejected.</p> <p>List on 30.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

M.A. No. 241 of 2020 Inre O.A. (Nil) of 2020

Smt Pinky Devi, W/O Late
Ex Sep Raj Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2020</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 KK Misra, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Ld. Counsel for the respondents prays for and is allowed a week time to file objection. Replication, if any, may be filed by Ld. Counsel for the applicant within next one week.</p> <p>List on 22.10.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

O.A. No. 339 of 2018

Radhey Shyam

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>13.10.2020</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 KK Misra, Ld. Counsel for the applicant and Dr. SN Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;">Dr. SN Pandey, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on 09.02.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

M.A. No. 321 of 2019 Inre O.A. (Nil) of 2019

Ex Sub (Hony Lt) Gajraj 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>13.10.2020</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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, Ld. Counsel for the respondents submits that there being a delay of 13 years, 05 months & 30 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 321 of 2020</u></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 this case on 06.01.2021 before the Registrar Court for exchange of pleadings.</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>gsr</p>

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

O.A. No. 573 of 2018

Sheo Prasad
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>13.10.2020</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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Ld. Counsel for the applicant does not intend to file rejoinder affidavit, as such, opportunity to file the same is closed.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 10.02.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

M.A. No. 938 of 2019 Inre O.A. (Nil) of 2019

Hav Shravan Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2020</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 Krishna Lal, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri Amit Jaiswal, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Objection filed by the respondents is taken on record. Let copy of the same be furnished to Ld. Counsel for the applicant within a week.</p> <p>Ld. Counsel for the applicant may file replication within two days thereafter.</p> <p>List on 24.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>gsr</p>

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

O.A. No. 60 of 2019

Ex Sub Maj Pritam Singh Arun
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>13.10.2020</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 Lal Chandra Sahu, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Despite several opportunities being given to the respondents to file counter affidavit, the same has not been filed as yet and therefore, opportunity to file the same is closed.</p> <p>List on 27.11.2020 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 351 of 2019 Inre : O.A. No. (Nil) of 2019

NC (E) Naresh Kumar Safaiwala 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>13.10.2020</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 Ms. Mamta Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>There is delay of 08 years, 01 month & 25 days in filing Original Application.</p> <p>Submission of learned counsel for the applicant is that delay caused in filing Original Application is not deliberated. Her further submission is that the applicant was discharged from service 12.08.2010 and being aggrieved he has filed Original Application for setting aside the order of discharge in Central Administrative Tribunal, Allahabad which was dismissed on 29.04.2015 for the lack of jurisdiction.</p> <p>Per contra, submission of learned counsel for the respondents is that applicant has given a lame excuse for not filing Original Application in time and therefore delay should not be condoned.</p> <p>On hearing the submission of learned counsel of both sides and facts and circumstances of the case, we find that grounds shown for condonation of delay is sufficient.</p> <p>Accordingly, delay caused in filing of application is condoned subject to payment of Rs 1,000/- (Rupees one thousand only) which shall be paid to AFT Bar Association, Lucknow. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 317 of 2020</u></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 this case on 06.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align:right">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 749 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Sep Raj Narayan 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>13.10.2020</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">Submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p style="text-align: center;">Per contra, Ld. Counsel for the respondents submits that there being a delay of 32 years, 04 months & 03 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p style="text-align: center;">Considering that grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: center;">Accordingly, delay caused in filing of application is condoned subject to payment of Rs 1,000/- (Rupees one thousand only) which shall be paid to AFT Bar Association, Lucknow. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 316 of 2020</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">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 style="text-align: center;">List this case on 06.01.2021 before the Registrar Court for exchange of pleadings.</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>SB</p>

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

O.A. No. 63 of 2019

Padmakar Dubey
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>13.10.2020</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is allowed a week time to move amendment application.</p> <p style="text-align: center;">List on 22.10.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 556 of 2019 Inre : Dy. No. 343 of 2019 Inre : O.A. No. (Nil) of 2019

Mohd Saquib Jawaid 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>13.10.2020</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>Present : Ms. Appoli Srivastava, Ld. Counsel for the respondents. None appears on behalf of the applicant to present the case. Accordingly, we dismiss delay condonation application for non prosecution. Original Application being time barred is also dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

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

O.A. No. 1 of 2019

Hav (MACP Nb Sub) Mrinal Kanti Dan Poddar
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>13.10.2020</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 none appeared on behalf of the applicant. Dr. Chet Narain Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present.</p> <p style="text-align: center;">Despite several opportunities being given to the applicant to file rejoinder affidavit, the same has not been filed as yet and therefore, opportunity to file the same is closed.</p> <p style="text-align: center;">List on 10.02.2021 for final hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 389 of 2019

Ex Rect Feroz Khan
 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>13.10.2020</u></p> <p><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></p> <p><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none appeared on behalf of the applicant. Shri Ashish Kumar Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present.</p> <p>Despite several opportunities being given to the applicant to file rejoinder affidavit, the same has not been filed as yet and therefore, opportunity to file the same is closed.</p> <p>List on 10.02.2021 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>SB</p>

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

M.A. No. 8 of 2019 Inre : O.A. No. (Nil) of 2019

Smt Poonam Singh Wife of Sep (Late) Ajay Kumar 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>13.10.2020</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent Nos. 1 to 5 alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Shri Mahendra Kumar Mishra, Advocate who has put in appearance on behalf of respondent No. 8 is not present today to present the cause of respondent No. 8. The case shall proceed ex-parte against him.</p> <p>As regards respondent No. 7, service of notice is held sufficient.</p> <p>Respondent No. 6 is yet to be served. Issue fresh notice to him returnable within a month. Steps be taken within a week.</p> <p>List on 04.01.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

**EX.A. No. 122 of 2017 with M.A. No. 716 of 2018, Ex.A. No. 92 of 2013 Inre : O.A.
No. 333 of 2012**

Ram Ashre Yadav 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>13.10.2020</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: justify;">Heard Shri Shyam Bihari Tiwari, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: justify;">Learned counsel for the respondents submitted that in compliance to order under execution not only the pension of the applicant has been revised w.e.f. 01.01.2006 but the same is being regularly credited in his account also. He further submitted that Corrigendum PPO has also been issued mentioning therein regarding payment of interest. He further submitted that if applicant has anything to say in this regard he can do so through application in writing and not orally.</p> <p style="text-align: justify;">In view of above, applicant is directed to file objection, if any, within two weeks specifically mentioning therein the discrepancy, if any.</p> <p style="text-align: center;">List on 12.11.2020 for orders.</p> <p style="display: flex; justify-content: space-between;"> </p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 557 of 2019 Inre : O.A. No. 492 of 2017

Smt Shyamal Sri

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>13.10.2020</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 S.K. Singh, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Learned counsel for the applicant submitted that he will deposit cost of Rs. 1000/- by today.</p> <p>List on 15.10.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

Ex.A. No. 126 of 2019 Inre : O.A. No. 566 of 2018

Ex Hav Shailendra Pratap 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>13.10.2020</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 none appeared on behalf of the applicant. Shri R.C. Shukla, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present.</p> <p>Compliance report filed by the respondents is taken on record.</p> <p>It is submitted by learned counsel for the respondents that order under execution has been fully complied with.</p> <p>As such, application stands disposed off 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>SB</p>

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

O.A. No. 249 of 2018

Shailendra Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2020</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-indent: 40px;">On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-indent: 40px;">Learned counsel for the respondents is directed to furnish complete copy of counter affidavit to learned counsel for the applicant today itself.</p> <p style="text-indent: 40px;">Rejoinder affidavit, if any, may be filed within two weeks.</p> <p style="text-indent: 40px;">List on 13.01.2021 for final hearing.</p> <p style="text-indent: 40px;">On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="text-align: center;"><p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p></div><div style="text-align: center;"><p>(Justice Umesh Chandra Srivastava) Member (J)</p></div></div> <p style="text-align: left; margin-top: 5px;">SB</p>

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

O.A. No. 13 of 2019

Ex Nb Sub Durgesh Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2020</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 V.P. Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Learned counsel for the respondents is directed to file copy of counter affidavit during the course of day after furnishing a copy of the same to learned counsel for the applicant.</p> <p>Rejoinder affidavit, if any, may be filed within a week.</p> <p>List on 18.01.2021 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 199 of 2019 with M.A. No. 200 of 2019 Inre T.A. No. 52 of 2017

Lt Dharendra Tiwari (Retd) 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
	<p><u>13.10.2020</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, Ld. Counsel for the petitioner and Shri Kaushik Chatterji, Ld. Counsel for the respondents, are present.</p> <p style="text-align: center;"><u>M.A. No. 199 of 2019</u></p> <p>This is an application for condonation of delay in filing recall application which is delayed by 01 month & 11 days.</p> <p>The grounds shown in the affidavit filed in support of the application seems to be sufficient. Accordingly, application is allowed and the delay in filing recall application is condoned.</p> <p style="text-align: center;"><u>M.A. No. 200 of 2019</u></p> <p>This is an application for recall of order dated 04.12.2018 passed in T.A. No. 52 of 2017 by which the Transferred Application was dismissed for non-prosecution.</p> <p>The grounds shown in the recall application seem to be sufficient. Accordingly, the application is allowed and the order dated 04.12.2018 passed by this Tribunal is hereby recalled subject to payment of cost of Rs. 1000/- to be paid to the Bar Association, AFT, Lucknow within a week from today.</p> <p>Let the Application be restored to its original number.</p> <p style="text-align: center;"><u>T.A. No. 52 of 2017</u></p> <p>List on 25.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left;">SB</p>

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

M.A. No. 188 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Nb Sub Gajendra 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>13.10.2020</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 & Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Mohd Zafar Khan, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>The Original Application has been filed with delay of 01 year, 01 month & 02 days.</p> <p>The submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of facts stated in affidavit filed in support of the application.</p> <p>Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay by the applicant is not satisfactory, hence delay should not be condoned.</p> <p>We have gone through application filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p>As such, delay caused in filing of application is condoned. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 319 of 2020</u></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 this case on 08.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 522 of 2019 Inre : O.A. No. (Nil) of 2019

Hav Rajeev 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>13.10.2020</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 none is present on behalf of the applicant. Dr. Gyan Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present.</p> <p>Due to non availability of mail ID of learned counsel for the applicant, link could not be sent to him to argue his case, today.</p> <p>List on 26.11.2020 for orders.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 329 of 2019 Inre : O.A. No. (Nil) of 2019

Smt Sarla Devi
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>13.10.2020</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 V.K. Mishra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative.</p> <p>The Original Application has been filed with delay of 22 years, 10 months and 01 day.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>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 of delay, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 318 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Counter affidavit already filed by the respondents is taken on record.</p> <p>Rejoinder Affidavit, if any, may be filed within two weeks.</p> <p>List this case on 11.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 95 of 2019 Inre : O.A. No. (Nil) of 2019

Jyoti
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>13.10.2020</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, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Learned counsel for the applicant wishes to file supplementary affidavit in support of application for condonation of delay. He seeks and is allowed a week time for doing the same.</p> <p>List on 23.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 513 of 2017

Smt Dharmsheela

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>13.10.2020</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 K.K.S. Bisht, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on 11.02.2021 for final hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 621 of 2017

Bachcha Jee 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>13.10.2020</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 Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents, are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 11.02.2021 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

