O.A. No. 485 of 2020

Smt. Sangeeta W/o Late Ex. Lance Nk. (HK) Achhe Lal

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	<u>13.11.2020</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion bie vice Admiral Abriay Ragnunatii Raive, Member (A)
	Shri Arun Kumar Sahu, Advocate filed power today in Court on behalf
	of the respondents which is taken on record.
	Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and
	Shri Arun Kumar Sahu, Ld. Counsel for the respondents.
	The innocuous prayer of the applicant is that to direct the respondents
	to decide the applicant's representation dated 05.09.2019 payment of Special
	Family Pension, which is pending with the respondents.
	With the consent of Ld. Counsel for the parties, we hereby dispose of
	the Original Application finally with the direction to the respondents to decide
	the applicant's representation dated 05.09.2019 by a speaking and reasoned
	order in accordance with law, if not already decided, within a period of three
	months from the date of receipt of copy of this order and communicate the
	decision to the applicant accordingly.
	Let a copy of this order be provided to the learned Counsel for the
	parties.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

O.A. No. 461 of 2020

Rect. Brijesh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

AKD/SB/-

Respondents

	Orders of the Tribunal
the Registry	
	42.44.2020
	13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Oli 2 A conse Maril con A I consta Challes and the land of the lan
	Shri Anurag Mishra, Advocate filed power today in Court on behalf of
	the respondents which is taken on record.
	Heard Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel
	for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.
	The innocuous prayer of the applicant is that to direct the respondents
	to decide the applicant's Statutory Appeal dated 05.02.2020, which is pending
	with the respondents.
	With the consent of Ld. Counsel for the parties, we hereby dispose of
	the Original Application finally with the direction to the respondents to decide
	the applicant's Statutory Appeal dated 05.02.2020 by a speaking and reasoned
	order in accordance with law, if not already decided, within a period of three
	months from the date of receipt of copy of this order and communicate the
	decision to the applicant accordingly.
	Let a copy of this order be provided to the learned Counsel for the
	parties.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	(Vice Admiral Abnay Ragnunath Karve) (Justice Omesh Chandra Srivastava) Member (A) Member (J)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

M.A. No. 310 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Hav. Yogesh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

AKD/SB/-

Respondents

	Orders of the Tribunal
the Registry	
Registry	
	13.11.2020
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Ms. Appoli Srivastava, Advocate filed power today in Court on behalf of the
	respondents which is taken on record.
	Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Ms.
	Appoli Srivastava, Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 02 months and 28
	days.
	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.
	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.
	We have gone through affidavit filed in support of application for
	condonation of delay and find that grounds stated therein are genuine and sufficient.
	As such, delay caused in filing of application is condoned. Application stands
	decided accordingly.
	Let Original Application be registered.
	O.A. No. 571 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 18.03.2021 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)

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

<u>Court No.1 (E. Court)</u> M.A. No. 311 of 2020 Inre : O.A. No. (NiI) of 2020

Ex. Lance Dfr. Gopal Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	Orders of the Tribunal
Registry	
	13.11.2020
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion bie vice Admiral Abridy Ragifuliatii Raive, Member (A)
	Shri Yogesh Kesarwani, Advocate filed power today in Court on behalf of
	the respondents which is taken on record.
	Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri
	Yogesh Kesarwani, Ld. Counsel for the respondents are present.
	The Original Application has been filed with delay of 05 months and 13
	days.
	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.
	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.
	We have gone through affidavit filed in support of application for
	condonation of delay and find that grounds stated therein are genuine and sufficient.
	As such, delay caused in filing of application is condoned. Application stands
	decided accordingly.
	Let Original Application be registered.
	O.A. No. 570 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 18.03.2021 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)
	AKD/SB/-

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

<u>Court No.1 (E. Court)</u> M.A. No. 312 of 2020 Inre : O.A. No. (NiI) of 2020

Ex. Hav. Kamal Kishor

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	Orders of the Tribunal
Registry	
	<u>13.11.2020</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Shri D.K. Pandey, Advocate filed power today in Court on behalf of the
	respondents which is taken on record.
	Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri
	D.K. Pandey , Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 01 year, 11 months 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
	caused in filing of Original Application is not deliberate, but on account of 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 of delay, application deserves rejection.
	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.
	Accordingly, delay caused in filing of application is condoned. Delay
	condonation application stands decided accordingly.
	Let Original Application be registered.
	O.A. No. 569 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 18.03.2021 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)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

Diary No. 1387 of 2020 Inre: O.A. No. (Nil) of 2020

Ex. Nk. Swarup Narain

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Union of I	ndia & Others Respondents
By Legal F	Practitioner for Respondents
the	Orders of the Tribunal
Registry	
	<u>13.11.2020</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Shri Amti Jaiswal, Advocate filed power today in Court on behalf of
	the respondents which is taken on record.
	Heard Col. Y.R. Sharma (Retd.), Ld. Counsel for the applicant and
	Shri Amit Jaiswal, Ld. Counsel for the respondents.
	Registry has reported a delay of one year and four days in filing
	Original Application.
	Regarding delay, submission of Col. Y.R. Sharma (Retd.), Ld.
	Counsel for the applicant is that applicant';s claim for disability pension was
	rejected on 10.06.2017. His further submission is that applicant had preferred
	First Appeal against the order of rejection, which was dismissed on
	06.03.2019. Thereafter, applicant being ill and admitted in Hospital he could

Counsel for the applicant is that applicant';s claim for disability pension was rejected on 10.06.2017. His further submission is that applicant had preferred First Appeal against the order of rejection, which was dismissed on 06.03.2019. Thereafter, applicant being ill and admitted in Hospital he could not prefer Second Appeal within a period of six months as provided under Rules, but it was preferred with delay of two months with prayer that delay occurred in filing of Appeal be condoned and Second Appeal be forwarded to Army Headquarters. His further submission is that Record Office has forwarded the Second Appeal to the Army Headquarters after condoning the delay which is still pending. Thus, his submission is that present Original Application being filed after expiry of six months from the date of preferring Second Appeal, the same is within time, therefore, defect pointed out by the registry is not tenable.

In reply, Shri Amit Jaiswal, Ld. Counsel for the respondents submits that Original Application being admittedly not filed immediately after expiry of six months from the date of preferring Second Appeal, the same is not maintainable being time barred.

Upon hearing submissions of Ld. Counsel for both sides and considering the facts and circumstances of the case, we find that defect pointed out by the registry is not tenable, as, admittedly Second Appeal preferred by the applicant is still pending consideration. The Original Application has been filed after the expiry of six months from the date of

preferring Second Appeal and, in view of this, it is well within time and is liable to be registered.

Let the Original Application be registered.

O.A. No. 568 of 2020

Heard.

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 18.03.2021 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)

AKD/SB/-

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

<u>Court No.1 (E. Court)</u> M.A. No. 308 of 2020 Inre : O.A. No. (NiI) of 2020

Ex. Sep. Surendra Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	<u>13.11.2020</u>
	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 Parijaat Belaura, Ld.
	Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the
	respondents are present.
	Ld. Counsel for the respondents submits since the delay in filing the
	Original Application is more than 42 years, atleast a week time be granted to
	file objection against delay condonation application which is allowed.
	Let objection be filed within a week.
	List on 26.11.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW Court No.1 (E. Court) M.A. No. 335 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Nk. Bishnu Bahadur Thapa

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

•	
Notes of	Orders of the Tribunal
the Registry	
,,	40.44.000
	13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf
	of the respondents which is taken on record.
	Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra
	Sharma Atal, Ld. Counsel for the respondents.
	There is delay of 21 years, 06 months and 07 days in filing Original
	Application
	Submission of learned counsel for the applicant is that matter pertains to
	disability pension in which bar of limitation is not applicable. Further submission is that
	delay caused in filing of Original Application is not deliberate, but for the reasons
	stated in affidavit filed in support of application for condonation of delay.
	learned counsel for the respondents has vehemently opposed the prayer
	and submitted that there is an inordinate delay which has not been satisfactorily
	explained, therefore, delay should not be condoned.
	Upon hearing submissions of Ld. Counsel for both sides and considering the
	facts and circumstances of the case we find that in pensionary matters bar of limitation
	is not applicable. We further find that cause shown is also sufficient. Accordingly, we
	condone the delay.
	Let Original Application be registered.
	O.A. No. 394 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 18.03.2021 for exchange of pleadings.
	List the matter before Tribunal on 05.04.2021 .
	List the matter before mountain on 03.04.2021.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

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

M.A. No. 309 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Nk. (MACP Hav) Narendra Kumar By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

AKD/SB/-

Respondents

Notes of	Orders of the Tribunal
the Registry	
	13.11.2020
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion sie viee Admiral Ashay Raghanath Rai ve, Member (A)
	Ms. Kavita Mishra Belaura, Advocate filed power today in Court on behalf of
	the respondents which is taken on record.
	Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant
	and Ms. Kavita Mishra Belaura , Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 28 days.
	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.
	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.
	We have gone through affidavit filed in support of application for
	condonation of delay and find that grounds stated therein are genuine and sufficient.
	As such, delay caused in filing of application is condoned. Application stands
	decided accordingly.
	Let Original Application be registered.
	O.A. No. 572 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 18.03.2021 for exchange of pleadings. List the matter before Tribunal on 05.04.2021 .
	List the matter before mibunal on 03.04.2021.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex. A. No. 5 of 2020 Inre: O.A. No. 118 of 2017

Smt. Rajwati Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

	Orders of the Tribunal
the Registry	
	40.44.0000
	13.11.2020 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 Angrej Nath Shukla, Ld.
	Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the
	respondents are present.
	Affidavit of compliance filed by the respondents is taken on record.
	Ld. Counsel for the applicant submits that order in question has not
	been complied in letter and spirit and that applicant is ready to file affidavit in
	this regard within two days.
	As prayed, let affidavit be filed within two day failing which Execution
	Application shall stands dismissed in full and final satisfaction.
	List on 25.11.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

R.A. No. 11 of 2020 with M.A. No. 313 of 2020 Inre: O.A. No. 15 of 2017

Union of India & Others

Applicants

By Legal Practitioner for the Applicants

Versus

Ex. Sep. Om Prakash Tripathi

Respondent

Notes of	Orders of the Tribunal
the	
Registry	
	13.11.2020
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Ashish Kumar Singh, Ld. Counsel for the applicants is
	present.
	This is an application for condonation of delay in filing review
	application to the review the order passed in O.A. No. 15 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.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 37 of 2020 Inre: O.A. No. 436 of 2019

Ex. Sep. Birda Ram

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Ms. Preeti Mala, 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 Ashok Singh and Shri
	Vikas Singh Chauhan, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld.
	Counsel for the respondents are present.
	Ld. Counsel for the respondents seeks and is allowed two week time
	to seek instruction from the appropriate authority to file affidavit of compliance.
	List on 01.12.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

M.A. No. 918 of 2019 Inre: O.A. No. 586 of 2017

Raj Kumar Chaturvedi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	13.11.2020
	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 none is present on behalf of
	the applicant to represent his cause.
	Shri R.C. Shukla, Ld. Counsel for the respondents is present.
	Affidavit of compliance filed by the respondents is taken on record.
	After perusal of P.P.O., copy whereof has been annexed along with
	affidavit of compliance, we find that order in question has been fully complied
	with.
	Accordingly, application is dismissed in full and final satisfaction.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 28 of 2020 Inre: O.A. No. 412 of 2018

Hav. Ram Dular Ram (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 R. Chandra , Ld.
	Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the
	respondents are present.
	Affidavit of compliance filed by the respondents is taken on record.
	Shri R. Chandra, Ld. Counsel for the applicant during the course of
	hearing submitted taht since P.P.O. has been generated and a copy thereof
	has been received by the applicant, Execution Application may be dismissed.
	Accordingly, Execution Application is dismissed in full and final
	satisfaction.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 34 of 2020 Inre: O.A. No. 187 of 2019

Ex. Hav. Raut Dharmpal Nilkanthrao

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 along with Maj. Sini Thomas, Departmental Representative are
	present. Maj. Sini Thomas, Departmental Representative submits that as per
	inputs received, charter of 14 days Duties has been received from the Unit and the same has been forwarded to authority concerned on 05.11.2020 for making
	compliance of order of this Tribunal. She further submits that four weeks time be given to her to file affidavit of compliance.
	List on 14.01.2021 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

M.A. No. 259 of 2020 Inre: T.A. No. 12 of 2014

Sumont Gupta Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Shri Namit Sharma, 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 R. Chandra, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.
	As prayed, list on 03.12.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/SB/-

Ex. A. No. 36 of 2020 Inre: O.A. No. 99 of 2019

Ex. Nb. Sub. Nijaguni Parwata Math

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	orders of the Tribunal
Registry	
	42 44 2020
	13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Shri R.C. Shukla, 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 R.C. Shukla, Ld. Counsel for the
	respondents along with Maj. Sini Thomas, Departmental Representative are
	present.
	Maj. Sini Thomas, Departmental Representative submits that sanction
	has already been accorded but P.P.O. could not be generated because of
	applicant as he is not submitting the required documents despite being asked.
	Applicant is directed to complete formalities within two weeks.
	List on 30.12.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

M.A. No. 1515 of 2018 with M.A. No. 1516 of 2018, R.A. No. 46 of 2018 Along with Ex. A. No. 133 of 2017 Inre: T.A. No. 1451 of 2010

Union of India & Others

Applicants

By Legal Practitioner for the Applicants

Versus

Ex. Lance Defedar Anil Kumar

Respondent

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Amit Jaiswal, Ld. Counsel for the applicants and Shri Rohit Kumar, Ld. Counsel for the respondent are present. As prayed, list on 04.12.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/SB/-

M.A. No. 881 of 2017 Inre : O.A. No. (Nil) of 2017

Kudratullah & Others

Applicants

By Legal Practitioner for the Applicants

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 D.K. Pandey, Ld. Counsel for the respondents is present. None appears to present the case of the applicant, nor is there
	any mention made on his behalf to pass over or adjourn the case. Accordingly, we dismiss the application for condonation of delay for non prosecution.
	In consequence thereof Original Application is also dismissed .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

M.A. No. 415 of 2018 Inre: O.A. No. (Nil) of 2018

Satish Chand Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 A.U. Ahmed, Ld. Counse for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are
	present.
	Despite time being taken no reply to the objection has been filed therefore, the opportunity to file the same is closed.
	List on 07.12.2020 for hearing on delay condonation application.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Diary No. 440 of 2020 Inre: O.A. No. (Nil) of 2020

Ex. Nk. (TS) Rajendra Singh Rawat

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

Notes of	Orders of the Tribunal
the	orders of the mountain
Registry	
	40.44.0000
	13.11.2020 Hanible Mr. Justice Umach Chandre Srivestave Member (I)
	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 Amit Jaiswal, Ld. Counsel for the respondents are
	present.
	In view of the fact that delay condonation application has been filed,
	defect pointed out by the registry stands removed.
	Shri Amit Jaiswal, Ld. Counsel for the respondents submits that this
	case may be fixed after Diwali vacation so that he may be able to go through
	record.
	Let Delay Condonation Application be registered as Misc. Application.
	List on 07.12.2020 for orders.
	Elot off officials.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 67 of 2019 Inre: T.A. No. 1278 of 2010

Sep./NA VV Khedkar Rao

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	<u>13.11.2020</u>
	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 Kaushik Chatterjee, Ld. Counsel for the respondents
	are present.
	Shri Kaushik Chatterjee, Ld. Counsel for the respondents submits that
	since Special Leave Petition in this matter has been filed in Hon'ble Supreme
	Court on 21.08.2020, reasonable time be granted for bringing stay order.
	Considering the facts and circumstances of the case and, as a last
	chance, four weeks time is being granted at the cost of Rs.10,000/- to bring the
	stay order.
	List on 11.01.2021 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

M.A. No. 1857 of 2018 with M.A. No. 174 of 2020 Inre: O.A. No. (Nil) of 2018

Ex. Sep. Jaypal Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Shri G.S.
	Sikarwar, Ld. Counsel for the respondents on withdrawal application.
	Applicant is permitted to withdraw the Original Application, as prayed.
	Accordingly, Original Application stands disposed of.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

T.A. No. 15 of 2017 with M.A. No. 35 of 2020

Petitioner

Bhupendra Singh BhadauriaBy Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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. R.D. Singh (Retd.), Ld. Counsel for the petitioner and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the petitioner, list on 03.12.2020 at
	02.30 PM for final hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/SB/-

Ex. A. No. 58 of 2018 Inre: O.A. No. 50 of 2018

Applicant

Ex. Gnr. Ajay Kumar K.By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
registry	
	<u>13.11.2020</u>
	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. Y.R. Sharma (Retd.), Ld.
	Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the
	respondents are present.
	Affidavit of compliance filed by the respondents is taken on record.
	Ld. Counsel for the applicant seeks and is allowed two weeks time to
	check from his client regarding compliance of the order.
	List on 04.12.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

M.A. No. 1499 of 2018 Inre: O.A. No. (Nil) of 2018

Ex. Rfn. Chandra Bahadur

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Union of I	ndia & Others Respondents
By Legal F	Practitioner for Respondents
Notes of the Registry	Orders of the Tribunal
	13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Col. Y.R. Sharma (Retd.), Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.
	The present Original Application has been filed against the discharge order dated 19.03.2008 with delay of more than six years.
	Submission of Ld. Counsel for the applicant is that applicant was abruptly discharged from service on 19.03.2008 without serving Discharge Certificate to him and that Discharge Certificate was given to him after four
	years of discharge, however, certain important documents which applicant was demanding since long were not supplied to him and, after a great insistence, he was provided with only some informations compelling him to seek
	information under Right to Information Act. Further submission is that after

abruptly discharged from service on 19.03.2008 without serving Discharge Certificate to him and that Discharge Certificate was given to him after four years of discharge, however, certain important documents which applicant was demanding since long were not supplied to him and, after a great insistence, he was provided with only some informations compelling him to seek information under Right to Information Act. Further submission is that after getting necessary documents and collecting information applicant preferred Statutory Appeal to the Chief of the Army Staff for setting aside the discharge order on account of the same being illegal which was dimsised on 31.08.2017. Thereafter, applicant handed over documents to Late Col. P.N. Chaturvedi, Advocate for filing Original Application, but on account of his unfortunate death in March, 2018, the Original Application could not be filed. Thus, submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate but for the reasons stated above.

The Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that there is an inordinate delay of not only six years but more than eight years and that applicant has failed to offer day to day explanation for the delay.

Upon hearing the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case we find that cause shown for condonation of delay is sufficient.

Accordingly, we condone the delay.

Let Original Application be registered.

O.A. No. 582 of 2020

Heard.

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 19.03.2021 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)

AKD/SB/-

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1 (E. Court)

M.A. No. 1475 of 2018 Inre : O.A. No. (Nil) of 2018

Ex. Rect. Yakoob Ali

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of Orders of the Tribunal the Registry

13.11.2020

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 Dharam Raj Singh and Shri J.N. Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.

M.A. No. 1475 of 2018

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.

Per contra, Ld. Counsel for the respondents submits that there being a delay of 08 years, 11 months & 05 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.

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.

Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.

Let Original Application be registered.

O.A. No. 574 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 this case on 19.03.2021 before the Registrar Court 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)

rathore/ukt

O.A. No. 500 of 2019

Ex. Sep. Baljinder Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	<u>13.11.2020</u>
	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 Dr. Ashish Asthana, Ld.
	Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the
	respondents are present.
	Pleadings are complete and the case is ripe for hearing.
	List on 15.03.2021 for final 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/ukt

M.A. No. 1714 of 2018 Inre: O.A. No. (Nil) of 2018

Ex. Cfn. Dharmendra Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Gaurav Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Learned counsel for the applicant seeks and is allowed four weeks time to file reply. List on 10.12.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

M.A. No. 658 of 2019 Inre: M.A. No. 1180 of 2018

Gnr. Basant Pawar Vaman

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	13.11.2020
	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 Gaurav Gupta, Ld.
	Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	Learned counsel for the applicant prays for and is granted two weeks'
	time to file reply to objection on delay condonation application.
	List on 10.12.2020 for orders.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	rathore/ukt

M.A. No. 1817of 2018 Inre: O.A. No. (Nil) of 2018

Smt. Mamta Devi @ Smt. Mamta Tiwari

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, is present. None appears on behalf of the applicant to present his cause. Accordingly, we dismiss M.A. No. 1817of 2018 alongwith O.A. No. (Nil) of 2018 for non prosecution.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

Ex. A. No. 91 of 2019 Inre : O.A. No. 568 of 2018

Ex. Nk. Mohd. Sagir

Applicant

In Person

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Mohd. Sagir, the applicant present in person and Shri Rajiv Pandey, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative and Shri Rajeev Tiwari, AAO, PCDA (P), Allahabad are present. We have perused the Pass Book which shows that a sum of Rs 92,475/- was credited in applicant's account in April, 2018 towards arrear of pension before passing of impugned order and Rs 49,441/- has also been credited in applicant's account in December, 2019, Besides this applicant is also getting Rs 29,028/- as disability pension in his account every month. This
	shows that order in question has been fully complied with. Accordingly, execution application is disposed of with full and final satisfaction. (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) Member (J) rathore/ukt

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

M.A. No. 1769 of 2018 Inre: O.A. No. (Nil) of 2018

Ex. Nk. Subh Narayan 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
	40.44.0000

<u>13.11.2020</u>

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 Saurabh Mishra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.

M.A. No. 1769 of 2018

There is delay of 03 months and 27 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 caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.

Per contra, Ld. Counsel for the respondents submits that there being a delay of 03 months & 27 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.

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.

Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.

Let Original Application be registered.

O.A. No. 575 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 this case on 19.03.2021 before the Registrar Court 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)

rathore/ukt

M.A. No. 1606 of 2018 Inre: O.A. No. (Nil) of 2018

Ex. Nk. Vinod Kumar Singh Twotia

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present. As prayed by learned counsel for the applicant, list on 01.12.2020 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

M.A. No. 371 of 2019 Inre: O.A. No. (Nil) of 2019

Nk. (Dvr) Ashwani Kumar Mishra

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of	Ord
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Registry	

Orders of the Tribunal

13.11.2020

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 K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.

M.A. No. 371 of 2019

There is delay of 01 year, 09 months and 09 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 caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.

Per contra, Ld. Counsel for the respondents submits that there being a delay of 01 year, 09 months and 09 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.

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.

Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.

Let Original Application be registered.

O.A. No. 576 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 this case on 19.03.2021 before the Registrar Court 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)

rathore/ukt

O.A. No. 124 of 2019

Applicant

Col Vinay Kumar Sarin (Retd)By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

	Orders of the Tribunal
the Registry	
	13.11.2020 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 KK Mishra, learned
	counsel for the applicant and Shri Shyam Singh, learned counsel for the
	respondents alongwith Maj Sini Thomas, Departmental Representative are
	present.
	Counter affidavit filed by respondents is taken on record.
	Shri KK Misra, learned counsel for the applicant submits that rejoinder
	affidavit is ready with him and reasonable time be granted for the same, which
	is allowed.
	Let rejoinder affidavit be filed within two weeks.
	List on 12.03.2021 for final 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/ukt

M.A. No. 1757 of 2018 Inre O.A. (Nil) of 2018

Applicant

Hony Nb Sub Swamy Nath MishraBy Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	13.11.2020
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Since Mrs Kavita Belaura, has been empanelled as Central Govt.
	Counsel, her name be deleted as counsel for the applicant from his cause list.
	On the case being taken up for hearing Shri Parijaat Belaura, learned
	counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for
	the respondents alongwith Maj Sini Thomas, Departmental Representative are
	present.
	List this case on 04.12.2020 for physical hearing after 02.30 PM.
	On the date fixed, learned counsel for the applicant shall file
	compilation and hand over a copy of the same to learned counsel for the
	respondents.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	rathore/ukt

O.A. No. 92 of 2019

Ex Nk Ajit Kumar Sarmah

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

n'ble Mr. Justice Umesh Chandra Srivastava, Member (J) n'ble Vice Admiral Abhay Raghunath Karve, Member (A) Since Mrs Kavita Belaura, has been empanelled as Central Govt. unsel, her name be deleted as counsel for the applicant from his cause list. On the case being taken up for hearing Shri Parijaat Belaura, learned unsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the appndents alongwith Maj Sini Thomas, Departmental Representative are esent. Supplementary counter affidavit filed by the respondents is taken on
unsel, her name be deleted as counsel for the applicant from his cause list. On the case being taken up for hearing Shri Parijaat Belaura, learned unsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the apondents alongwith Maj Sini Thomas, Departmental Representative are esent.
esent.
Heard learned counsel for the parties. Arguments concluded.
For orders, see our order on separate sheets. Tice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
,

M.A. No. 191 of 2020 Inre O.A. (Nil) of 2020

Ex Rect Ram Babu Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Shri Shyam Singh, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are
	present. Learned counsel for the applicant prays for and is granted two weeks time to file reply to objection on application for condonation of delay. List of 14.12.2020 for hearing on delay condonation application.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

T.A. No. 84 of 2016

Devendra Singh Kushwaha

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.
	None appears on behalf of the applicant to present his cause. Accordingly, T.A. No 84 of 2016 is dismissed for non prosecution.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

Ex-A/43 of 2018 Inre M.A. No. 972 of 2017

Shailesh Mishra Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Dr. Gyan Singh, learned counsel for
	the respondents alongwith Maj Sini Thomas, Departmental Representative are present.
	None appears on behalf of the applicant to present his cause.
	Accordingly, Execution application No A/43 of 2018 and M.A. No. 972 of
	2017are dismissed for non prosecution.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex-A/172 of 2018 Inre O.A. No. 667 of 2017

Smt Govind Devi wife of Late Hony Nb Sub Ram Asrey

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Pankaj Kumar Shukla, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Shri PK Shukla, learned counsel for the applicant admits that order in question has been complied with. In view of this Execution Application is dismissed in full and final satisfaction.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

EX-A/173 of 2018 Inre O.A. No. 632 of 2017

Ex Hav (Hony Nb Sub) Paras Nath Tiwari

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	13.11.2020
	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 Pankaj Kumar Shukla,
	learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for
	the respondents alongwith Maj Sini Thomas, Departmental Representative are
	present.
	Affdiavit of compliance filed by the respondents is taken on record.
	Shri PK Shukla, learned counsel for the applicant admits that order in
	question has been complied with.
	In view of this Execution Application is dismissed in full and final
	satisfaction.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

M.A. No. 1692 of 2018 Inre O.A. (Nil) of 2018

Ex Sep (Reservist) Amrit Lal

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes	of
the	
Regist	ry

Orders of the Tribunal

13.11.2020

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 Pankaj Kumar Shukla, learned counsel for the applicant and Ashish Kumar Singh, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.

M.A. No. 1629 of 2018

There is delay of 39 years, 11 months and 12 days in filing original application.

Submission of learned counsel for the applicant is that matter pertains to reservist pension 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.

Per contra, Ld. Counsel for the respondents submits that there being a delay of 39 years, 11 months and 12 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.

Upon hearing submission of learned counsel for both sides and considering the facts and circumstances of the case, we find that matter being related with pension, bar of limitation is not applicable. We further find that cause shown for condonation of delay is sufficient.

Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.

Let Original Application be registered.

O.A. No. 577 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 this case on **22.03.2021** before the Registrar Court for exchange of pleadings.

List the matter before Tribunal on 07.04.2021.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

rathore/ukt

O.A. No. 264 of 2019

Ex Nk Raghuraj Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Pankaj Kumar Shukla, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Pleadings are complete and the case is ripe for hearing. List on 16.03.2021 for final 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/ukt

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

M.A. No. 1822 of 2018 Inre O.A. (Nil) of 2018

Nk Santosh Kumar Singh

Applicant

By Legal Practitioner for the Applicant

	Versus
	ndia & Others Respondents
By Legal F	Practitioner for Respondents
Notes of	Orders of the Tribunal
the	orders of the Tribunal
Registry	
	13.11.2020
	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 Pankaj Kumar Shukla & Shri
	Virat Anand Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal,
	learned counsel for the respondents alongwith Maj Sini Thomas, Departmental
	Representative are present.
	Reply to objection filed by the respondents is taken on record.
	M.A. No. 1822 of 2018
	There is delay of 02 months and 18 days in filing original application.
	Submission of learned counsel for the applicant is that matter pertains to
	reservist pension 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.
	Per contra, learned Counsel for the respondents submits that punishment
	awarded to the applicant being of severe reprimand, O.A. is not maintainable as
	punishment does not fall in definition of service matters as given in Section 3 (o) of the
	Armed Forces Tribunal Act, 2007. He further submits that delay has not been properly
	explained.
	Upon hearing submission of learned counsel for both sides and considering
	the facts and circumstances of the case, we find that cause shown is sufficient and
	· ·
	O.A. is maintainable.
	Accordingly, delay caused in filing of application is condoned. Delay
	condonation application stands decided accordingly.
	Let Original Application be registered.
	O.A. No. 578 of 2020
	It is a fit case for adjudication.
	Admit.
	Ld. Counsel for the respondents seeks and is allowed four weeks time to file
	Country Affide it Deleinder Affide it if any many he filed within two seeds the seed to

List the matter before Tribunal on **07.04.2021**.

Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.

List this case on 23.03.2021 before the Registrar Court for exchange of

(Vice Admiral Abhay Raghunath Karve)

Member (A)

rathore/ukt

pleadings.

(Justice Umesh Chandra Srivastava) Member (J)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

M.A. No. 518 of 2019 with M.A. No. 375 of 2020 Inre O.A. (Nil) of 2019

Smt Nafiro Nisa

Widow of Late Sep RasulBy Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes	of
the	
Regist	ry

Orders of the Tribunal

13.11.2020

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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.

M.A. No. 375 of 2020

Amendments sought are of formal in nature and relevant for disposal of O.A., therefore amendment application is allowed.

Amendment be incorporated during course of the day.

M.A. No. 518 of 2019

There is delay of 05 months and 06 days in filing Original Application.

Submission of learned counsel for the applicant is that it is a family pension 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.

Per contra, Ld. Counsel for the respondents submits that there being a delay of 05 months & 06 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.

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.

Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.

Let Original Application be registered.

O.A. No. 579 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 this case on **22.03.2021** before the Registrar Court for exchange of pleadings.

List before the Tribunal on **08.04.2021** for final hearing.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

rathore/ukt

M.A. No. 105 of 2020 Inre O.A. (Nil) of 2020

Ex Rfn Sunil Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal		
	13.11.2020 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, learned		
	counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for		
	the respondents alongwith Maj Sini Thomas, Departmental Representative are		
	present.		
	Objection on application for condonation of delay filed by respondents		
	is taken on record.		
	Let reply to objection specifically in respect of para 6 of affidavit be		
	filed within two weeks.		
	List on 16.12.2020.		
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt		

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

M.A. No. 1321 of 2018 Inre O.A. (Nil) of 2018

RL Mishra Applicant

By Legal Practitioner for the Applicant

Versus

	adia & Others Respondents ractitioner for Respondents
Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 RN Tripathi, learned counsel for
	the applicant and Dr. SN Pandey, learned counsel for the respondents alongwith Maj
	Sini Thomas, Departmental Representative are present.
	M.A. No. 1321 of 2018
	There is delay of 44 years, 08 months and 06 days in filing original
	application.
	Submission of learned counsel for the applicant is that matter pertains to
	disability pension in which bar of limitation is not applicable as cause of action accrues every month. 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.

Per contra, Ld. Counsel for the respondents submits that there being a delay of 44 years, 08 months and 06 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.

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.

Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.

Let Original Application be registered.

O.A. No. 581 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 this case on 22.03.2021 before the Registrar Court 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)

rathore/ukt

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

M.A. No. 1759 of 2018 Inre O.A. (Nil) of 2018

Ex Nk Deepak Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Ву	Legal	Practitioner	for	Res	pondents
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Notes of Orders of the Tribunal the Registry

13.11.2020

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 RN Tripathi, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present.

M.A. No. 1759 of 2018

There is delay of 05 years, 03 months and 08 days in filing original application.

Submission of learned counsel for the applicant is that matter pertains to disability pension in which bar of limitation is not applicable as cause of action accrues 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.

Per contra, Ld. Counsel for the respondents submits that there being a delay of 05 years, 03 months and 08 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.

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.

Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.

Let Original Application be registered.

O.A. No. 580 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 this case on 23.03.2021 before the Registrar Court for exchange of pleadings.

List the matter before Tribunal on 09.04.2021.

(Vice Admiral Abhay Raghunath Karve) Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

rathore/ukt

Ex-A/105 of 2019 Inre O.A. No. 502 of 2019

Harishanker Dwivedi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	13.11.2020 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 Satendra Kumar Singh,
	learned counsel for the applicant and Dr. SN Pandey, learned counsel for the
	respondents Maj Simi Thomas, Departmental Representative are present.
	Maj Simi Thomas, Departmental Representative submits that PPO
	has been generated on 04.06.2020. She also submits that reasonable time be
	given to respondents to file compliance report.
	Let compliance report be filed within four weeks.
	List on 18.12.2020 on which date applicant shall produce updated
	pass book for perusal of the Tribunal.
	(Vice Admire) Abbey Begbyneth Kenye) (Justice Umeek Chandre Spirestove)
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

M.A. No. 1102 of 2018 Inre O.A. (Nil) of 2018

Ashok Kumar Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

Notes of	Orders of the Tribunal		
the Registry			
	42.44.2020		
	13.11.2020 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 Satendra Kumar Singh,		
	learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel		
	for the respondents alongwith Maj Sini Thomas, Departmental Representative		
	are present.		
	Shri Satendra Kumar Singh, learned counsel for the applicant submits		
	that since his file has been misplaced, he is unable to file reply to the objection		
	raised by the respondents.		
	He prays for and is granted two weeks time.		
	List on 18.12.2020 .		
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)		

Ex-A/20 of 2020 Inre O.A. No. 180 of 2019

L/Nk Kamil Hussain Beg

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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 Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Learned counsel for the respondents submits that compliance report is in the process. In view of above, a week's time is granted to file compliance report. List on 15.12.2020.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Dy No. 1619 of 2017 with M.A. No. 103 of 2020 Inre O.A. (Nil) of 2017

Ex JWO Bharat Prasad

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>13.11.2020</u>
	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 VP Pandey, learned
	counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for
	the respondents are present.
	Learned counsel for applicant wants to move second amendment
	application, which is allowed.
	As prayed, two weeks time is granted.
	List on 07.12.2020.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 438 of 2019

Ex Hav Kamal Dev Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal		
	13.11.2020 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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. Pleadings are complete and the case is ripe for hearing. List on 19.03.2021 for final 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/ukt		

Ex-A/202 of 2017 Inre T.A. No. 15 of 2014 & Inre T.A. No. 1368 of 2010

Maj Kunwar Ambreshwar SinghBy Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

Respondents

Notes of	Oudene of the Tribunal
Notes of	Orders of the Tribunal
the Registry	
Registry	
	13.11.2020
	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 applicant in person and Shri
	Asheesh Agnihotri, Learned counsel for the respondents alongwith Maj Sini
	Thomas, Departmental Representative are present.
	Maj Kunwar Ambreshwar Singh present in person admits that in
	compliance of order passed by this Tribunal some amount has been credited in
	his account and he is regularly receiving pension also. However, his
	submission is that a reasonable time be given to check whether money
	received in account is in complete compliance of order or not. Applicant is
	allowe3d a month time to complete home work.
	List on 18.12.2020 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt

Ex-A/6 of 2019 Inre O.A. No 290 of 2016 Alongwith M.A. No 170 of 2020 Inre O.A. (Nil) of 2020

Ex Sep Harendra Vikram Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal		
	13.11.2020 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, learned		
	counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for		
	the respondents alongwith Maj Sini Thomas, Department Representative are		
	present.		
	Affidavit of compliance filed by the respondents is taken on record.		
	Learned counsel for the applicant seeks and is allowed to weeks time		
	to file objection against compliance report.		
	List on 16.12.2020 .		
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt		

Ex-A/81 of 2019 with M.A. No. 862 of 2019 Inre O.A. No. 236 of 2018

Ex Hav (Hony Nb Sub) Phool Chand By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	13.11.2020 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, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are present. As prayed by learned counsel for the applicant, list on 30.12.2020 to enable him to file memo of calculation sheet and updated pass book.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

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

Ex Nb Ris Raju Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal					
	<u>13.11.2020</u>					
	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, learne					
	counsel for the applicant and Mrs Deepti Prasad Bajpai, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are					
	present.					
	Learned counsel for the applicant submits that Execution Application					
	may be dismissed being infructuous as respondents have made compliance. Accordingly, Execution Application is dismissed being infructuous.					
	(Vice Admirel Abbey Begbungth Kowe) (Justice Umach Chandre Srivestove)					
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore/ukt					

O.A. No. 605 of 2017

Om Prakash Mishra

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

Notes of the	Orders of the Tribunal					
Registry						
	13.11.2020					
	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 and Shri					
	Rajendxra Prasad Misra, learned counsel for the applicant and Dr. Shailendra					
	Sharma Atal, learned counsel for the respondents alongwith Maj Sini Thomas,					
	Departmental Representative are present.					
	Pleadings are complete and the case is ripe for hearing.					
	List on 24.03.2021 for final 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)					

O.A. No. 79 of 2018

Smt Raj Kumari

(Deceased) through Ashok Kumar &

Another Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal					
	13.11.2020 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. His name be shown as learned counsel					
	for the respondents in cause list when case is listed next.					
	On the case being taken up for hearing Shri BB Tripathi, learned					
	counsel for the applicant and Shri Shyam Singh, learned counsel for the					
	respondents alongwith Maj Sini Thomas, Departmental Representative are					
	present.					
	Pleadings are complete and the case is ripe for hearing.					
	List on 25.03.2021 for final 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/ukt					

T.A. No. 596 of 2010

Udai Veer Singh Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal					
	13.11.2020 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 BP Singh (Retd), learned					
	counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for					
	the respondents alongwith Maj Sini Thomas, Departmental Representative are					
	present.					
	Pleadings are complete and the case is ripe for hearing.					
	List on 13.01.2021 for final 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)					

O.A. No. 292 of 2017

Abhay Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal					
Registry						
	13.11.2020 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 Kunwar Bahadur Singh,					
	learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative are					
	present.					
	Pleadings are complete and the case is ripe for hearing.					
	List on 26.03.2021 for final 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)					

O.A. No. 537 of 2017

Dinesh Kumar Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal						
	13.11.2020 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 Ms Navita Sharma, learned counsel for the applicant and Dr. SN Pandey, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on 26.03.2021 for final 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)						

O.A. No. 516 of 2017

Munisha Devi Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal					
Registry						
	13.11.2020 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 Om Prakash Kushwaha,					
	learned counsel for the applicant and Shri Anurag Mishra, learned counsel for					
	the respondents alongwith Maj Sini Thomas, Departmental Representative are					
	present.					
	Pleadings are complete and the case is ripe for hearing.					
	List on 26.03.2021 for final 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)					

O.A. No. 405 of 2018

Ex Hav Ram Pravesh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal					
	13.11.2020 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, learned					
	counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the					
	respondents alongwith Maj Sini Thomas, Departmental Representative and					
	Shri RK Tiwari, AAO, PCDA (P), Allahabad are present.					
	As prayed by Shri RK, Tiwari, list this case on 06.01.2021 .					
	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)					

O.A. No. 271 of 2017

Chintamani Mishra

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal 13.11.2020 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, learned				
	counsel for the applicant and Shri Namit Sharma, learned counsel for the				
	respondents alongwith Maj Sini Thomas, Departmental Representative are				
	present.				
	Pleadings are complete and the case is ripe for hearing.				
	List on 01.04.2021 for final 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)				

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1 (E. Court)

Diary No. 197 of 2019 Inre: O.A. No. (Nil) of 2019

Smt. Shikha Wadhwa

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of Orders of the Tribunal

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Regist	ry

13.11.2020 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

- 1. Heard Shri S.S.L. Srivastava, learned Counsel for the applicant and Shri R.K.S. Chauhan, learned Counsel for the respondents.
- 2. In view of facts stated in affidavit, delay in filing Original Application is condoned.
- 3. Applicant, who is the widow of Ex. Hony. Naib Subedar Amrik Lal Wadhwa, has filed the present application under Section 14 of the Armed Forces Tribunal Act, 2007 for issuing direction to the respondents to release family pension to her for the service rendered by her husband in the Cantonment Board Mathura in view of Circular No. 504 dated 17th January, 2013 issued by the Office of the Principal Controller of Defence Accounts (Pensions).
- 4. As per Section 2 of the Armed Forces Tribunal Act, 2007, this Act has its applicability to all persons who are subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950 and to retired personnel subject to the aforesaid Acts, including their dependents, heirs and successors, in so far as it relates to their service matters.
- 5. Admittedly, the claim raised in the Original Application is not in respect of services rendered by the applicant's late husband in Army, but it is in respect of the services rendered in the Cantonment Board after being retired from the Army. The Cantonment Board is not a Unit of the Army or Navy or Air Force, therefore, services rendered by the applicant's husband in Cantonment Board cannot be said to be related with service matters in the Army, Air Force or Navy, and in that case Original Application filed in respect of his services would not be maintainable in this Tribunal.
- 6. Accordingly, Original Application is **dismissed** being not maintainable with liberty to applicant to approach the appropriate forum for redressal of her grievance.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
Member (A) Member (J)

AKD/-