

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

M.A. No 145 of 2020 Inre O.A. (Nil) of 2020

Ex Sub Maj Jagdish Prasad 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>16.10.2020</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>Memo of appearance filed today in Court by Shri Namit Sharma, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents in the cause list.</p> <p>On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>There is delay of 14 years, 03 months and 14 days in filing original application.</p> <p>Ld. Counsel for the respondents prays for and is allowed 04 weeks time to file objection on delay condonation application.</p> <p>List on 04.012021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/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 271 of 2020 Inre O.A. (Nil) of 2020

Ex Sub /AEC Hirdai Narain Kushwaha
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>16.10.2020</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</p> <p>Memo of appearance filed today in Court by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents in the cause list.</p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>The Original Application has been filed for grant of disability pension with delay of 08 years, 01 month and 11 days.</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 08 years, 01 month and 11 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. 357 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:right">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align:right">(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 151 of 2020 Inre O.A. (Nil) of 2020

Ex Sep Dhani Ram Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.10.2020</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>Memo of appearance filed today in Court by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents in the cause list.</p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Registry has not pointed out any delay in O.A.</p> <p>Dr. Shailendra Sharma Atal, respondents' Ld. Counsel submits that O.A. has been filed without exhausting the available remedies.</p> <p>The point raised by Ld. Counsel for the respondents shall be seen at the time of final hearing.</p> <p>Heard.</p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p><u>O.A. No. 356 of 2020</u></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 142 of 2020 Inre O.A. (Nil) of 2020

Smt Sadhana Sharma, W/o Ex Late Sep
Jitendra Kumar Sharma
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>16.10.2020</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><u>M.A. No. 142 of 2020</u></p> <p>Memo of appearance filed today in Court by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents in the cause list.</p> <p>Heard Shri R Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents, assisted by Maj Sini Thomas, Departmental Representative.</p> <p>Applicant has filed this application under Section 14 of the Armed Forces Tribunal Act, 2007 for issuing direction to respondents to make Ex-gratia payment to her. The application has been filed with delay of 15 years and 20 days.</p> <p>Submission of Ld. Counsel for the applicant is that applicant's husband was enrolled in the Army as MT Driver on 27.08.1993. He sustained injuries in a vehicular accident on 19.09.2003 while on duty and succumbed to it. His further submission is that despite applicant's husband being died in harness when no special family pension was allowed to her, she filed O.A. No 116 of 2017 in this Tribunal which was allowed on 07.02.2018 and, on account of order passed therein, special family pension is being paid to her. His further submission is that applicant had made application seeking payment of Ex-gratia amount to her on 06.10.2019 but the same being denied without any justifiable reason, she has filed this O.A. His further submission is that delay caused in filing Original Application is not deliberate, but on account of reasons stated above.</p> <p>Ld. Counsel for the respondents has opposed the prayer saying death of applicant's husband being not attributable to military service, no Ex-gratia payment is payable. He has further submitted that applicant has failed to explain delay on day to day basis, therefore, application deserves to be</p>

dismissed.

On hearing submissions of learned counsel of both sides and considering that applicant has been allowed special family pension by order of this Tribunal in O.A. No 116 of 2017 holding death of applicant's husband attributable to military service, we find that reasons given for condonation of delay are genuine and sufficient.

Accordingly, we condone the delay and allow delay condonation application.

Heard.

It is a fit case for adjudication.

Admit.

O.A. No. 355 of 2020

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 next thereafter.

List this case on **05.01.2021** before the Registrar Court for exchange of pleadings.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

GSR/SB

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

M.A. No 143 of 2020 Inre O.A. (Nil) of 2020

Ex Sigmn Sunil Kumar Mishra
 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>16.10.2020</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>Memo of appearance filed today in Court by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents in the cause list.</p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Objection filed against delay condonation application is taken on record.</p> <p>The Original Application has been filed for grant of disability pension with delay of 25 years, 11 months and 28 days.</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 25 years, 11 months and 28 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. 353 of 2020</u></p> <p>Heard.</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 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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

O.A. No. 151 of 2020

Hav Rajesh 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>16.10.2020</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 Rajiv Pandey, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Heard.</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 05.01.2021 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 273 of 2020 Inre O.A. No 4 of 2020

Ex Rect Tapas Kumar Adak
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>16.10.2020</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>Memo of appearance filed today in Court by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents in the cause list.</p> <p>On the case being taken up for hearing Shri Abhinav Bhattacharya, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p><u>M.A. No 273 of 2020</u></p> <p>This is an application for recall of order dated 25.09.2020 passed in O.A. No 4 of 2020 by which original 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 25.09.2020 passed by this Tribunal is hereby recalled.</p> <p>Let the original application be restored to its number.</p> <p><u>O.A. No 4 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 two weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 27.11.2020 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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

M.A. NO 274 of 2020 with M.A. No 275 of 2020 Inre O.A. No 244 of 2018

Union of India & Others

By Legal Practitioner for the Applicants

Applicants

Versus

Ex Nb Sub Surendra Singh

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>16.10.2020</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 Ms. Anju Singh, Ld. Counsel for the applicants alongwith Maj Sini Thomas, Departmental Representative is present.</p> <p style="text-align: center;">As prayed by Ld. Counsel for applicants, application is dismissed as withdrawn.</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>

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

T.A. No. 6 of 2019

Ex Nk Bishram Singh Rajput
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.10.2020</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 Om Prakash Kushwaha, 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 the respondents and the same is taken on record.</p> <p>Ld. Counsel for the petitioner is directed to furnish copy of complete record of T.A. to Ld. Counsel for the respondents within two weeks. He is also directed to provide Bench copy within the aforesaid period.</p> <p>List on 02.12.2020.</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 40 of 2020 Inre O.A. No. 87 of 2016 alongwith
Ex. A. No 112 of 2019 Inre O.A. No 87 of 2016

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

Versus

Ex Nk (TS) Diwan Singh Respondent
By Legal Practitioner for Respondent

Ex Nk (TS) Diwan Singh Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>16.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u> On the case being taken up for hearing Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Shri Parijaat Belaura, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p><u>M.A. No 40 of 2020</u> This is an application for modification of order dated 23.04.2018 passed in O.A. No. 87 of 2016. Heard Ld. Counsel for the parties on modification application. Modification application is allowed. In para 8 of the order dated 23.04.2018 modification is made as under:- For "from the date of discharge for a period of five years." Read "from 01.01.1996". With the aforesaid modification, Misc application stands disposed of.</p> <p><u>Ex. A. No 112 of 2019</u> As prayed by Ld. Counsel for the respondents, two weeks time is granted to file compliance report. List on 03.12.2020. A copy of this order be provided to the Departmental Representative within 48 hours, free of cost for necessary action.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

Ex. A. No 220 of 2018 Inre O.A. (A) 327 of 2015

Ex Nk (MT) Arun 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>16.10.2020</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 Rohit Kumar, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondent No 1 to 3, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Reply received from respondent No 4 wherein a prayer has been made to supply a copy of execution application and order passed in original application.</p> <p>Applicant is directed to serve copy of execution application including copy of order passed in original application to respondent No 4 within a week.</p> <p>Respondent No 1 to 3 is directed to file compliance report regarding execution of order passed by this Tribunal within two weeks.</p> <p>List on 02.12.2020.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR</p>

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

Ex. A. No 9 of 2020 Inre T.A. No 25 of 2016

Ex Nk (TS) Chhote Lal
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>16.10.2020</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 Col BP Singh (Retd), Ld. Counsel for the applicant and Mohd Zafar Khan, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">Mohd Zafar Khan, Advocate filed power today in Court on behalf of the respondents and the same is taken on record.</p> <p style="text-align: center;">During the course of hearing, Ld. Counsel for the applicant admits that order under execution has been complied with. However, his submission is that respondents are under obligation to pay amount of AGIF Scheme to applicant also which they have not done so far, therefore, necessary directions in this regard be issued to them.</p> <p style="text-align: center;">There is no such direction in order under execution regarding payment of AGIF Scheme. The order under execution being fully complied with, application is liable to be dismissed in full and final satisfaction and is therefore dismissed accordingly.</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/SB</p>

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

Ex. A. No 25 of 2019 Inre O.A. No 297 of 2011

Ex Sub Kedar Prasad Mishra
 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>16.10.2020</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 Col Rakesh Johra (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed three weeks time to file compliance report, failing which matter will be viewed seriously.</p> <p style="text-align: center;">List on 07.12.2020.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>GSR/SB</p>

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

M.A No 1043 of 2013 with M.A. No 627 of 2019

Ex Rect Ramu 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>16.10.2020</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 Dr. Sanjay Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p><u>M.A. No 627 of 2019</u></p> <p>This is an application for amendment in original application. Heard Ld. Counsel for both the parties. Amendment application is allowed. Applicant to carry out amendment within two days. Ld. Counsel for the respondents is allowed two weeks time to file counter affidavit to the amended portion.</p> <p style="text-align: center;">List on 27.11.2020.</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/SB</p>

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Court No.1 (E. Court)

Ex. A. No 94 of 2019 Inre O.A. No 222 of 2019

Ex Nk Dinesh Shukla 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>16.10.2020</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 Dwijendra Nath Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnhotri, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Ld. Counsel for the respondents seeks and is allowed two weeks time to file compliance report.</p> <p>List on 04.11.2020.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>GSR/SB</p>

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Court No.1 (E. Court)

M.A. No 912 of 2019 Inre M.A. No 1249 of 2017 with M.A. No 1250 of 2017
Inre O.A. No 157 of 2014

Ex Hav Umesh 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>16.10.2020</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>Memo of appearance filed today in Court by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents in the cause list.</p> <p>On the case being taken up for hearing Shri KKS Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p><u>M.A. No 912 of 2019</u></p> <p>This is an application for recall of order dated 15.10.2019 passed in M.A. No 1249 of 2017 with M.A. No. 1250 of 2017 Inre O.A. No 157 of 2014 by which original 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 15.10.2019 passed by this Tribunal is hereby recalled.</p> <p>Let the original application be restored to its number.</p> <p><u>M.A. No 1249 of 2017 with M.A. No. 1250 of 2017 Inre O.A. No 157 of 2014</u></p> <p>List on 20.10.2020.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/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 78 of 2020 with M.A. No 79 of 2020 Inre O.A. (A) 197 of 2015

Ex LAC Subham Yadav
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>16.10.2020</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 Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p><u>M.A. No. 78 of 2020</u></p> <p>This is an application for condonation of delay in filing recall application which is delayed by 01 year, 10 months and 21 days.</p> <p>The grounds shown in affidavit filed in support of the application seem sufficient. Accordingly, application is allowed and the delay in filing recall application is condoned.</p> <p><u>M.A. No 79 of 2020</u></p> <p>This is an application for recall of order dated 12.09.2017 passed in O.A. No. 197 of 2015 by which the original 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 12.09.2017 passed by this Tribunal is hereby recalled.</p> <p>Let the original application be restored to its number.</p> <p><u>O.A. (A) 197 of 2015</u></p> <p>List on 02.12.2020.</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/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. 192 of 2018

Lt Col Inder Jeet Pathak (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.10.2020</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 Shyam Singh, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Ld. Counsel for the applicant informed that applicant has died on 07.10.2020. He seeks and is allowed 03 weeks time to file substitution application.</p> <p style="text-align: center;">List on 23.11.2020.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/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. 1571 of 2018 Inre O.A. (Nil) of 2018

Ex Hav (Hony Nb Sub) Chandra Pal & another
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>16.10.2020</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 AN Tripathi, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>The Original Application has been filed with delay of 08 years, 08 months and 21 days.</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 08 years, 08 months and 21 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. 361 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 two weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 05.11.2020 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/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. 100 of 2018 Alongwith O.A. No. 211 of 2018

Surendra Pal Verma
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>16.10.2020</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 appears on behalf of the applicant. Dr. Gyan Singh, Ld. Counsel for the respondents is present.</p> <p><u>O.A. No. 100 of 2018</u></p> <p>O.A. No. 100 of 2018 and O.A. No. 211 of 2018 pending in this Tribunal are in respect of same cause of action and for the same relief by the same applicant. Therefore, they are merged together with O.A. No. 100 of 2018 being leading case.</p> <p>Petitions in both applications were received by post and this Tribunal appointed Shri Moti Chand Yadav and Shri Tej Singh as amicus curie to prosecute the case of applicant but they do not seem interested to prosecute the case as they are not appearing. In the circumstances Shri Vinay Pandey, Advocate is appointed amicus curie in place of aforesaid counsel for the purpose of this case and he shall be paid expenses as per rules.</p> <p>Registry is directed to communicate this order to the Advocate concerned alongwith copy of record of present case who shall contact with the applicant and proceed with case for redressal of his grievances.</p> <p>List on 06.01.2021 for order.</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. 62 of 2019

Ex Nk Khushi Ram
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>16.10.2020</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 Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Learned counsel for the applicant prays for and is granted two weeks time to file rejoinder affidavit failing which opportunity to file the same shall stand closed without any reference.</p> <p>List on 18.01.2021 for final hearing.</p> <p>On the date fixed, Ld. 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)

O.A. No. 2 of 2020

Ex Hav Awdhesh 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>16.10.2020</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant submits that he has filed rejoinder affidavit today in the registry. Let rejoinder affidavit be placed on record.</p> <p>As prayed by learned counsel for the applicant, list on 22.10.2020 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)

EX.A. No. 7 of 2020 Inre : T.A. No. 1042 of 2010

Ex Rect Shailendra Kumar Yadav
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>16.10.2020</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 R. Chandra, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Learned counsel for the respondents seeks and is allowed four weeks time to seek instructions from the appropriate authority and to file compliance report.</p> <p>List on 25.11.2020 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)

Dy. No. 2718 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Hav Rajendra 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>16.10.2020</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 : Shri Adesh Kumar Gupta, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative.</p> <p>On the case being taken up for hearing none appears on behalf of the applicant to present the case nor defect raised by the registry has been removed.</p> <p>In such circumstances, application is dismissed for non prosecution.</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)

Dy. No. 2719 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Nk (TS) Subhash Chand
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>16.10.2020</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;">Present : Shri Adesh Kumar Gupta, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">On the case being taken up for hearing none appears on behalf of the applicant to present the case nor defect raised by the registry has been removed.</p> <p style="text-align: center;">In such circumstances, application is dismissed for non prosecution.</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)**

Dy. No. 2722 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Sep Mahesh 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>16.10.2020</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;">Present : Shri Ashish Kumar Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">On the case being taken up for hearing none appears on behalf of the applicant to present the case nor defect raised by the registry has been removed.</p> <p style="text-align: center;">In such circumstances, application is dismissed for non prosecution.</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)

Dy. No. 2932 of 2019 Inre : O.A. No. (Nil) of 2020

Ex MCPO I Rajpati Mishra 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>16.10.2020</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 Satendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents,</p> <p>The original application has been filed with delay of 22 years, 03 months and 18 days without any application for condonation of delay.</p> <p>It is prayed by learned counsel for the applicant that applicant has been detected as COVID-19 patient and is quarantined. He prays for and is allowed three weeks time to file application for condonation of delay failing which original application shall stand dismissed being time barred without any reference.</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>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. 49 of 2016 Inre : O.A. No. (Nil) of 2016

Surender 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>16.10.2020</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 Anand Yadav, Advocate holding brief of Shri S.G. Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: center;">As prayed, list on 06.01.2021 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)

M.A. No. 224 of 2020 Inre : O.A. No. (Nil) of 2020

Sgt Himansu Kumar Mohanty (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.10.2020</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Objection on delay condonation application filed by the respondents is taken on record.</p> <p style="text-align: center;">The Original Application has been filed with delay of 01 year, 07 months and 27 days.</p> <p style="text-align: center;">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-align: center;">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 style="text-align: center;">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-align: center;">Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 358 of 2020</u></p> <p style="text-align: center;">It is a fit case for adjudication. 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 07.01.2021 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)

Dy. No. 2745 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Sgt Surendra Prasad 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>16.10.2020</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;">Present : Shri R.C. Shukla, Ld. Counsel for the respondents. Shri R.C. Shukla, Advocate filed power today in Court on behalf of respondents and the same is taken on record. On the case being taken up for hearing none appears on behalf of the applicant to present the case nor defect raised by the registry has been removed. In such circumstances, application is dismissed for non prosecution.</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. 81 of 2018 Inre : O.A. No. 293 of 2017

Jhaboo Lal
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>16.10.2020</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 is present on behalf of the applicant nor respondent counsel is present.</p> <p style="text-align: center;">Dr. Shailendra Sharma Atal, Chief Standing Counsel of Union of India submitted that Shri A.N. Tripathi who is conducting this case has not come today due to illness.</p> <p style="text-align: center;">He further submits that he has received a message today from Shri Virat Anand Singh, learned counsel for the applicant that order under execution has been fully complied with.</p> <p style="text-align: center;">Taking a note of the aforesaid submission, we dismiss execution application in full and final satisfaction.</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)

M.A. No. 363 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Sgt Nandan 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>16.10.2020</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 Ashish Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, are present.</p> <p>The Original Application has been filed with delay of 06 years, 02 months and 13 days.</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. 360 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 07.01.2021 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)

O.A. No. 20 of 2019

Smt Batani, Widow of Prabhu Dayal (Deceased)

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>16.10.2020</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 Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>No counter affidavit has been filed by the respondents. Let it be filed within two weeks positively failing which opportunity to file counter affidavit shall stand closed without any reference.</p> <p>List on 17.02.2021 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: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)

Ex.A. No. 18 of 2019 Inre T.A. No. 79 of 2016

Smt Kanti Devi By Legal Practitioner for the Petitioner	Petitioner
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>16.10.2020</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;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the petitioner and Shri Anurag Mishra, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: justify;">On the request of learned counsel for the applicant, and as a last chance, two weeks time is provided to learned counsel for the applicant to file objection against compliance report.</p> <p style="text-align: center;">List on 22.11.2020 for orders.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>SB</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

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

O.A. No. 72 of 2019

Maj Yashvardhan 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>16.10.2020</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 Ms. Anju Singh & Shri Pankaj Kumar Shukla, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Matter in this regard is said to be pending before the Principal Bench.</p> <p>List on 18.02.2021 awaiting the outcome of order passed by AFT, Principal Bench, New Delhi.</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)

O.A. No. 296 of 2019

Ex Hav (Hony Nb Sub) Om Prakash 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>16.10.2020</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 J.N. Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: center;">Decided</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. 245 of 2018

Dharmendra Singh Tomar
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>16.10.2020</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 R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of respondents and the same is taken on record.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 12.02.2021 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>

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

O.A. No. 130 of 2017

Ashok Kumar Kushwaha
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>16.10.2020</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;">On the case being taken up for hearing Shri Yashpal Singh, 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-align: justify;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: justify;">List on 15.02.2021 for final hearing.</p> <p style="text-align: justify;">On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="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. 15 of 2018

Savita Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.10.2020</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 Satendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Saxena and Shri R.C. Shukla, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are 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 15.02.2021 for final hearing.</p> <p>On the date fixed, Ld. 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)

O.A. No. 36 of 2017 alongwith O.A. No. 101 of 2017

Venugopal P
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>16.10.2020</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 Asheesh Agnihotri, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 18.02.2021 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>