

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

Ex. A. No. 108 of 2018 Inre : O.A. No. 150 of 2017

Dharmendra Pratap 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Rajiv Pandey, Ld. Counsel for the respondents has moved an application for correction of name of Counsel for the respondents.</p> <p style="text-align: center;">Shri Rajiv Pandey, Ld. Counsel for the respondents submits that in the order dated 27.11.2020 name of Shri Ashish Kumar Singh has wrongly been typed as Ld. Counsel for the respondents, which needs to be corrected.</p> <p style="text-align: center;">Shri Ashish Kumar Singh, Advocate has endorsed his no objection to this effect.</p> <p style="text-align: center;">Accordingly, name of Shri Ashish Kumar Singh be deleted and name of Shri Rajiv Pandey, be corrected as Ld. Counsel for the respondents in the order dated 27.11.2020.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 449 of 2020 Inre : O.A. No. (Nil) of 2020

Smt. Sushila Chauhan W/o Late Lt. Col. Ranjit Singh Chauhan (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Amit Jaiswal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 02 years, 08 months and 15 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. Their further submission is that delay in filing Original Application is not deliberate, but for the 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.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 748 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 the matter before Registrar on 19.03.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 06.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 132 of 2019 Inre : O.A. No. 332 of 2017

Ex. Sep. (ACP – II) Surendra 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ashok Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>No copy of P.P.O. has been annexed along with affidavit of compliance. Respondents are, therefore, directed to file Supplementary Affidavit of compliance annexing therewith copy of P.P.O. within two weeks.</p> <p>Applicant has not served copy of objection filed against affidavit of compliance. Therefore, he is directed to serve copy of objection to the Counsel for the respondents within three days.</p> <p>List on 19.01.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 584 of 2019 with M.A. No. 962 of 2019

Ex. Sgt. (Med. Asst) Yogesh 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ashok Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 12.03.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 501 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Rambir 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri K.K. Misra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 09 years, 05 months and 04 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. Their further submission is that delay in filing Original Application is not deliberate, but for the 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.</p> <p style="text-align: center;">Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: center;">Accordingly, delay in filing 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. 747 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.</p> <p style="text-align: center;">List on 25.01.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 446 of 2019

Ex. Sub. Jai Narayan Rajput
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>Objection to the affidavit dated 30.09.2020 filed by the applicant is taken on record.</p> <p>We have heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents and we find that in view of representation dated 22.05.2019 preferred by the applicant being decided by the respondents on 26.09.2019, Original Application deserves to be dismissed being infructuous.</p> <p>Accordingly, Original Application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 670 of 2017 with M.A. No. 444 of 2020

Pushpa Devi Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Proposed amendment being relating to dismissal of the applicant which he wish to challenge, which is allowed.</p> <p style="text-align: center;">Let amendments be incorporated with a week after serving amended pleadings to the Counsel for the respondents.</p> <p style="text-align: center;">Supplementary Counter Affidavit to the amended portion of pleadings may be filed within four weeks.</p> <p style="text-align: center;">List on 05.03.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 476 of 2019

Ex. Hav. (Hony. Nb. Sub.) Ram Ji Prashad & Another
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicants and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Supplementary Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: justify;">Connect with O.A. No. 684 of 2020 Hony. Nb. Sub. Swamy Nath Mishra Versus Union of India and Others.</p> <p style="text-align: justify;">List on 27.01.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 99 of 2019 Inre : O.A. No. 534 of 2018

Ex. Sep. Harish Chandra Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Regarding compliance Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents submitted that order under execution has already been complied with. He further submitted that R.S.M.B. in the matter was also held and copies of the report were transmitted to ASC Records as well as to the Office of Legal Cell, but the same being lost in transit it is not possible to file affidavit of compliance. He further submitted that fresh R.S.M.B. is required to be held in the matter for which applicant is being requested, and once it is done, the report would be filed immediately thereafter.</p> <p>In the circumstances, we direct respondents to hold R.S.M.B. in the matter on 12.01.2021 at Military Hospital, Prayagraj (Allahabad), on which date applicant shall remain present. After R.S.M.B. being held, affidavit of compliance would be filed preferably within two weeks.</p> <p>List on 24.02.2021.</p> <p>Let a copy of this order be provided to the Ld. Counsel for the parties within 48 hours.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 103 of 2019 Inre : O.A. No. 240 of 2015

Lt. Col. Vijay Kumar (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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Shri Amit Jaiswal, Ld. Counsel for the respondents prays for and is granted four weeks further time to file affidavit of compliance.</p> <p>List on 28.01.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 81 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sep. Singh Pratik Ravindra
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p>There is a delay of 05 years, 06 months and 23 days in filing Original Application. .</p> <p>Submission of Ld. Counsel for the applicant is that dismissal order was passed against the applicant on 21.12.2012, however, no copy of Summary of Evidence provided to the applicant. His further submission is that Summary of Evidence and Charge-sheet were provided to the applicant on 26.12.2017 in reply to application filed under Right to Information Act. Thus, his submission is that delay in filing Original Application is not deliberate.</p> <p>Per contra, Shri Kaushik Chatterjee, Ld. Counsel for the respondents submitted that there is a delay of about six years which the applicant has failed to explain satisfactorily.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that there is a delay of more than five years in filing Original Application, which the applicant has not properly and satisfactorily explained. It is not the case of applicant that he was not aware of Summary of Evidence proceedings, as he himself has admitted that said proceedings were concluded on 21.12.2012 followed by his dismissal. In the event when Original Application is not filed within the given period in the statutes it is the duty of applicant to explain the delay on sufficient reasons and the same being not done in the present case, we do not see any reason to condone the delay.</p> <p>Accordingly, delay condonation application is dismissed.</p> <p>Original Application being time barred is also dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 105 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Rfn. Sunil 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>The present Original Application has been filed with prayer to allow applicant to join duty at EME Centre, Secunderabad. As per office report there is a delay of 03 years, 11 months and 17 days in filing Original Application regarding which submission of Ld. Counsel for the applicant is that applicant was in Jail in connection with a criminal case lodged in the year 2010. Further submission of Ld. Counsel for the applicant is that applicant was released on bail in the said criminal case on 29.09.2015 and thereafter when he went to report his duty on 24.08.2019 he was not allowed to join without assigning any reason.</p> <p>Thus, his submission is that delay in filing Original Applis not deliberate.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that applicant was dismissed from service on 20.09.2015 well within his knowledge and despite the same, he has not assigned any sufficient reason.</p> <p>Upon hearing submission of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that as per own admission made by the applicant in affidavit filed in support of delay condonation application, applicant was released on Bail on 29.09.2015 and he went to report duties on 24.08.2019. Applicant has not given any reason where he remained during the period between 29.09.2015 to 24.08.2019 and why did he not go to report duty immediately after his release from. Thus, he has failed to offer satisfactory explanation for the delay. .</p> <p>In the result, we dismiss the delay condonation application.</p> <p>Original Application being time barred is also dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

T.A. No. 9 of 2017

Smt. Sharda 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the petitioner and Shri Kaushik Chatterjee, Ld. Counsel for the respondent Nos. 1 to 4 and Shri V.P. Pandey, Ld. Counsel for the respondent No. 5 are present.</p> <p style="text-align: justify;">Despite Counter Affidavit being filed much before no Rejoinder Affidavit has been filed, therefore, opportunity to file Rejoinder Affidavit is closed.</p> <p style="text-align: justify;">List on 18.03.2021 for final hearing.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 427 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sep. Gopi 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">There is a delay of 48 years, 03 months and 01 day in filing Original Application.</p> <p style="text-align: center;">The matter pertains to grant of Reservist Pension. Bar of limitation is not applicable in pensionary matters.</p> <p style="text-align: center;">Considering this delay, if any, in filing Original Application is condoned.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 749 of 2020</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Rejoinder Affidavit, if any, may be filed within two weeks.</p> <p style="text-align: center;">List on 19.03.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

M.A. No. 527 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. Sidhnath Pandey		Applicant
By Legal Practitioner for the Applicant		
	Versus	
Union of India & Others		Respondents
By Legal Practitioner for Respondents		

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri S.G. Singh, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 15 years, 07 months and 20 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. Their further submission is that delay in filing Original Application is not deliberate, but for the 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.</p> <p style="text-align: center;">Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: center;">Accordingly, delay in filing 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. 750 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 the matter before Registrar on 12.03.2021 for exchange of pleadings. List the matter before Tribunal on 26.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 482 of 2019

Ex. Hav. (Hony. Nb. Sub.) Awadhesh
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection.</p> <p>With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly.</p> <p>Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

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

EX-A/ 51 of 2019 Inre O.A. No 198 of 2016

Ex Sep (DSC) Hardayal 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Capt Priyanka, Departmental Representative are present.</p> <p>Capt Priyanka, Departmental Representative, submitted that PPO in this case has been issued on 03.12.2019, however, no affidavit of compliance has been filed.</p> <p>Let it be filed within two weeks.</p> <p>List on 28.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/101 of 2019 Inre O.A. No. 34 of 2016

Ex Nb Sub (DSC) Sabhajit 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents assisted by Capt Priyanka, Departmental Representative are present.</p> <p>Despite order in O.A. being passed on 22.08.2017, the same has not yet been complied with.</p> <p>Capt Priyanka, Departmental Representative seeks four weeks further time to file affidavit of compliance saying the Govt sanction is still awaited. In the circumstance, four weeks further time is granted on payment of Rs 10,000/- as cost.</p> <p>List on 04.02.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/107 of 2019 Inre O.A. No. 226 of 2014

Ex Sub Radhey Shyam Upadhya
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Ms Appoli Srivastava, Learned Counsel for the respondents assisted by Capt Priyanka, Departmental Representative are present.</p> <p>Capt Priyanka, Departmental Representative submits that PPO in this case has been issued on 06.11.2019.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file affidavit of compliance annexing therewith copy of PPO.</p> <p>List on 14.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

O.A. No. 283 of 2020

Ex Sub (Hony Lt) Bhuri 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>As prayed, learned counsel for the applicant is allowed to file rejoinder affidavit during course of the day.</p> <p>List on 22.03.2021 for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

O.A. No. 480 of 2019

Ex Cfn Yaduvir 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>Original Application is dismissed.</p> <p>For order, see the judgment passed on separate sheets.</p> <p>Misc. Applications, pending if any, shall be treated as disposed of accordingly.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member (A) Member (J) rathore</p>

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

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

EX-A/108 of 2019 Inre O.A. No. 182 of 2019

Ex Gdr Narendra 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shiv Dayal Singh, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that in execution of order PPO has been generated on 24.09.2020 and RSMB has also been held.</p> <p>He further submits that two weeks time be given to respondents to file affidavit of compliance, which is allowed.</p> <p>List on 29.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1 (E. Court)

EX-A/26 of 2019 Inre T.A. No. 1481 of 2010

Union of India & Others

Applicant-Respondents

By Legal Practitioner for the Applicant-Respondents

Versus

Rushtam Singh

Respondent-Applicant

By Legal Practitioner for Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shyam Singh, learned counsel for the applicant-respondents and Shri Om Prakash, learned counsel for the respondent-applicant are present.</p> <p>Learned counsel for the respondents submits that order under execution has been fully complied with and cost amounting to Rs 1,75,000/- payable to applicant has been received.</p> <p>In view of the fact that order under execution has been complied with, application is dismissed in full and final satisfaction.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

M.A. No. 1874 of 2018 with M.A. No. 1875 of 2018
Inre O.A. No. 285 of 2013

Smt Sunita Devi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri VP Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p><u>O.A. No. 285 of 2013</u></p> <p>Cost of Rs 2,000/- has been deposited by applicant.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>Since order dated 03.10.2018 has been recalled vide order dated 16.11.2018 and cost imposed has been deposited vide receipt dated 15.12.2020, M.A. No. 1874 of 2018 with M.A. No. 1875 of 2018 stand disposed of.</p> <p>List on 15.02.2021 for physical hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/95 of 2019 Inre O.A. No. 209 of 2019

Satyendra 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Departmental representative is also present from the respondents' side and she submits that in compliance of order under execution, Govt sanction has already been accorded. She further submits that there being miss-match in name and date of birth of applicant's wife, the applicant has been directed to submit documents in this regard. As soon as the documents are submitted, PPO shall be issued.</p> <p>In regard to above, submission of learned counsel for the applicant is that required documents have already been submitted.</p> <p>Respondents are, therefore, directed to make compliance of the order and to file affidavit of compliance within four weeks.</p> <p>List on 24.02.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

DY- No. 2387 of 2019 Inre O. A. No. (Nil) of 2019

Nk Piyush 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none appears on behalf of the applicant to represent his cause.</p> <p>Shri RC Shukla, learned counsel for the respondents is present.</p> <p>We have gone through the defects pointed out by the Registry and find that in view of the same, application is liable to be dismissed being not maintainable.</p> <p>Accordingly, application is dismissed being not maintainable.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/68 of 2018 Inre T.A. No. 528 of 2010

Laxmi Prasad

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vikash Kumar Agrawal, learned counsel for the petitioner and Shri Asheesh Agnihotri, Learned Counsel for the respondents are present.</p> <p>We have gone through affidavit of compliance and find that it is not in conformity with the order as there is no mention of interest payable to applicant. Respondents are, therefore, directed to file better affidavit within four weeks indicating therein the details of payment made towards back wages as well as pension.</p> <p>List on 01.02.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

O.A. No. 299 of 2019

Gunaker Tripathi
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Mrs Amrita Chakraborty, learned counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents submitted that grievances raised in O.A. have already been dealt with by issuing letter to concerned authority in this regard.</p> <p style="text-align: center;">Let the above mentioned fact be brought on record by way of affidavit within two weeks from today.</p> <p style="text-align: center;">List on 28.01.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A)</p> <p>Member (J) rathore</p>

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

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

DY. No. 2304 of 2019 Inre O.A. No. (Nil) of 2019

Ex Rect Akshay Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg Cdr Ajit Kakkar (Retd), learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents are present.</p> <p>Applicant has not removed the defects as pointed out by the Registry.</p> <p>Let defects be removed within two weeks positively, else application would stand dismissed without any reference.</p> <p>List on 29.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

DY. No. 2930 of 2019 Inre O.A. No. (Nil) of 2019

Dhakne Deepak Babanrao

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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Yashpal Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Applicant has challenged the letter dated 25.10.2019 by which applicant's father was informed regarding applicant's dismissal from service with effect from 20.04.2019. His further submission is that letter in question has been challenged within six months from the date of its receipt, therefore there is no delay in filing application.</p> <p>Contrarily, learned counsel for the respondents submitted that the order challenged in application being dismissal from service w.e.f. 20.04.2019, limitation to file application will start running from this date, and not from the date communication of the order.</p> <p>After having heard submissions of learned counsel of both sides and considering the facts and circumstances of the case, we find that dismissal order was communicated to applicant's father vide letter dated 25.10.2019, and O.A. being filed within six months from the date of receipt of this letter, it shall be treated to be filed in time.</p> <p>Let O.A. be registered.</p> <p><u>O. A. No 752 of 2020</u></p> <p>List on 23.03.2021 before the Registrar Court for exchange of pleadings and thereafter on 16.04.2021 for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

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
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p><u>Ex-A/6 of 2019</u> Learned counsel for the applicant prays for and is granted one week's time to file objection against affidavit of compliance.</p> <p><u>O.A. No. 290 of 2016</u> List on 08.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/ 51 of 2019 Inre O.A. No 198 of 2016

Ex Sep (DSC) Hardayal 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Capt Priyanka, Departmental Representative are present.</p> <p>Capt Priyanka, Departmental Representative, submitted that PPO in this case has been issued on 03.12.2019, however, no affidavit of compliance has been filed.</p> <p>Let it be filed within two weeks.</p> <p>List on 28.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/101 of 2019 Inre O.A. No. 34 of 2016

Ex Nb Sub (DSC) Sabhajit 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents assisted by Capt Priyanka, Departmental Representative are present.</p> <p>Despite order in O.A. being passed on 22.08.2017, the same has not yet been complied with.</p> <p>Capt Priyanka, Departmental Representative seeks four weeks further time to file affidavit of compliance saying the Govt sanction is still awaited. In the circumstance, four weeks further time is granted on payment of Rs 10,000/- as cost.</p> <p>List on 04.02.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/107 of 2019 Inre O.A. No. 226 of 2014

Ex Sub Radhey Shyam Upadhya
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Ms Appoli Srivastava, Learned Counsel for the respondents assisted by Capt Priyanka, Departmental Representative are present.</p> <p>Capt Priyanka, Departmental Representative submits that PPO in this case has been issued on 06.11.2019.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file affidavit of compliance annexing therewith copy of PPO.</p> <p>List on 14.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

O.A. No. 283 of 2020

Ex Sub (Hony Lt) Bhuri 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>As prayed, learned counsel for the applicant is allowed to file rejoinder affidavit during course of the day.</p> <p>List on 22.03.2021 for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

O.A. No. 480 of 2019

Ex Cfn Yaduvir 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p style="text-align: center;">Original Application is dismissed.</p> <p style="text-align: center;">For order, see the judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Applications, pending if any, shall be treated as disposed of accordingly.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member (A)</p> <p>Member (J) rathore</p>

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

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

EX-A/108 of 2019 Inre O.A. No. 182 of 2019

Ex Gdr Narendra 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shiv Dayal Singh, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that in execution of order PPO has been generated on 24.09.2020 and RSMB has also been held.</p> <p>He further submits that two weeks time be given to respondents to file affidavit of compliance, which is allowed.</p> <p>List on 29.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1 (E. Court)

EX-A/26 of 2019 Inre T.A. No. 1481 of 2010

Union of India & Others

Applicant-Respondents

By Legal Practitioner for the Applicant-Respondents

Versus

Rushtam Singh

Respondent-Applicant

By Legal Practitioner for Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shyam Singh, learned counsel for the applicant-respondents and Shri Om Prakash, learned counsel for the respondent-applicant are present.</p> <p>Learned counsel for the respondents submits that order under execution has been fully complied with and cost amounting to Rs 1,75,000/- payable to applicant has been received.</p> <p>In view of the fact that order under execution has been complied with, application is dismissed in full and final satisfaction.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

M.A. No. 1874 of 2018 with M.A. No. 1875 of 2018
Inre O.A. No. 285 of 2013

Smt Sunita Devi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri VP Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p><u>O.A. No. 285 of 2013</u></p> <p>Cost of Rs 2,000/- has been deposited by applicant.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>Since order dated 03.10.2018 has been recalled vide order dated 16.11.2018 and cost imposed has been deposited vide receipt dated 15.12.2020, M.A. No. 1874 of 2018 with M.A. No. 1875 of 2018 stand disposed of.</p> <p>List on 15.02.2021 for physical hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/95 of 2019 Inre O.A. No. 209 of 2019

Satyendra 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Departmental representative is also present from the respondents' side and she submits that in compliance of order under execution, Govt sanction has already been accorded. She further submits that there being miss-match in name and date of birth of applicant's wife, the applicant has been directed to submit documents in this regard. As soon as the documents are submitted, PPO shall be issued.</p> <p>In regard to above, submission of learned counsel for the applicant is that required documents have already been submitted.</p> <p>Respondents are, therefore, directed to make compliance of the order and to file affidavit of compliance within four weeks.</p> <p>List on 24.02.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

DY- No. 2387 of 2019 Inre O. A. No. (Nil) of 2019

Nk Piyush 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none appears on behalf of the applicant to represent his cause.</p> <p>Shri RC Shukla, learned counsel for the respondents is present.</p> <p>We have gone through the defects pointed out by the Registry and find that in view of the same, application is liable to be dismissed being not maintainable.</p> <p>Accordingly, application is dismissed being not maintainable.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

EX-A/68 of 2018 Inre T.A. No. 528 of 2010

Laxmi Prasad

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vikash Kumar Agrawal, learned counsel for the petitioner and Shri Asheesh Agnihotri, Learned Counsel for the respondents are present.</p> <p>We have gone through affidavit of compliance and find that it is not in conformity with the order as there is no mention of interest payable to applicant. Respondents are, therefore, directed to file better affidavit within four weeks indicating therein the details of payment made towards back wages as well as pension.</p> <p>List on 01.02.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

O.A. No. 299 of 2019

Gunaker Tripathi
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Mrs Amrita Chakraborty, learned counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents submitted that grievances raised in O.A. have already been dealt with by issuing letter to concerned authority in this regard.</p> <p style="text-align: center;">Let the above mentioned fact be brought on record by way of affidavit within two weeks from today.</p> <p style="text-align: center;">List on 28.01.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A)</p> <p>Member (J) rathore</p>

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

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

DY. No. 2304 of 2019 Inre O.A. No. (Nil) of 2019

Ex Rect Akshay 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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg Cdr Ajit Kakkar (Retd), learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents are present.</p> <p>Applicant has not removed the defects as pointed out by the Registry.</p> <p>Let defects be removed within two weeks positively, else application would stand dismissed without any reference.</p> <p>List on 29.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

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

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

DY. No. 2930 of 2019 Inre O.A. No. (Nil) of 2019

Dhakne Deepak Babanrao

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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Yashpal Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Applicant has challenged the letter dated 25.10.2019 by which applicant's father was informed regarding applicant's dismissal from service with effect from 20.04.2019. His further submission is that letter in question has been challenged within six months from the date of its receipt, therefore there is no delay in filing application.</p> <p>Contrarily, learned counsel for the respondents submitted that the order challenged in application being dismissal from service w.e.f. 20.04.2019, limitation to file application will start running from this date, and not from the date communication of the order.</p> <p>After having heard submissions of learned counsel of both sides and considering the facts and circumstances of the case, we find that dismissal order was communicated to applicant's father vide letter dated 25.10.2019, and O.A. being filed within six months from the date of receipt of this letter, it shall be treated to be filed in time.</p> <p>Let O.A. be registered.</p> <p><u>O. A. No 752 of 2020</u></p> <p>List on 23.03.2021 before the Registrar Court for exchange of pleadings and thereafter on 16.04.2021 for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
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
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p><u>Ex-A/6 of 2019</u> Learned counsel for the applicant prays for and is granted one week's time to file objection against affidavit of compliance.</p> <p><u>O.A. No. 290 of 2016</u> List on 08.01.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
O.A. (A) No 370 of 2018

Ex Sub Maj Liladhar
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>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Applicant has prayed for interim relief to the effect that he be treated on bail in terms of earlier order dated 19.04.2010, passed by this Tribunal in T.A. No 211 of 2009.</p> <p style="text-align: center;">Learned counsel for the applicant has submitted that applicant has been sentenced to 5 years rigorous imprisonment by the General Court Martial and out of this he has already served 3 and ½ years. He has further submitted that applicant had challenged his punishment by way of Writ Petition No 6535 (S/S) of 2008 before the Hon'ble High Court of Judicature at Allahabad which after the constitution of Armed Forces Tribunal was transferred to this Bench and Registered as T.A. No 211 of 2009. In the said T.A. applicant was granted bail by this Tribunal vide order dated 19.04.2010 on his furnishing a personal bond in the sum of Rs. 75,000/- and two sureties in the like amount to the satisfaction of Registrar of this Tribunal. He has further submitted that the T.A. was decided by this Bench on 26.04.2017 with liberty to applicant to represent his case to the Chief of the Army Staff for taking a fresh decision in the matter keeping in view the pleadings and observations made by this Tribunal in the body of the judgment. He has further submitted that applicant represented his case before the Chief of the Army Staff in the light of order of this Tribunal but the same did not find favour and the order of the punishment passed by the</p>

General Court Martial has been confirmed vide order dated 11.07.2018. He has further submitted that applicant has filed instant Original Application (A) against the same order of the Chief of the Army Staff with prayer to be treated on bail under the previous order of this Tribunal till disposal of Original Application.

Learned counsel for the respondents has vehemently opposed the prayer and has submitted that after the applicants case being dismissed by the Chief of the Army Staff and punishment being confirmed, applicant has no right to be treated on bail under previous order of this Tribunal. He has however not disputed that applicant has served 3 and ½ years imprisonment and that he was on bail during pendency of T.A.

Upon hearing submissions of learned counsel of both sides and considering facts and circumstances of the case, specially that applicant was on bail during pendency of T.A. and no incident of misuse was reported against him, we find it a fit case of bail during pendency of O.A.

The applicant is already enlarged on bail. He is allowed to continue as such till disposal of this Original Application subject to his furnishing a fresh bond of Rs. 75,000/- (Rupees seventy five thousand only) and two surities, each in the like amount, to the satisfaction of Registrar of this Tribunal within two weeks from today.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-

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

O.A. No 183 of 2018

Arun Kumar Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.12.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, list on 16.02.2021 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produced original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>