

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

M.A. No. 261 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Gnr. Mahesh Prasad
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>18.09.2020</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 Ms. Anju Singh, Ld. Counsel for the respondents on delay condonation application.</p> <p><u>M.A. No. 261 of 2019</u></p> <p style="text-align: center;">There is a delay of thirty five years, six months and one day in filing of Original Application.</p> <p style="text-align: center;">Ld. Counsel for the applicant submitted that matter being relating with pension is a continuing wrong in which bar of limitation does not apply.</p> <p style="text-align: center;">Considering the above aspect and that grounds shown in affidavit filed in support of delay condonation application seem to be genuine and sufficient, delay condonation application is allowed.</p> <p><u>O.A. No. 187 of 2020</u></p> <p style="text-align: center;">Heard. 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 13.11.2020 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>AKD/UKT/-</p>

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

M.A. No. 183 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Nk. Baraiya Jasvant Sinh Bhem Sinh
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>18.09.2020</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 Shyam Bihari Tiwari, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This is an application for condonation of delay of eight years, five months and seven days in filing of Original Application.</p> <p style="text-align: center;">Ld. Counsel for the applicant submitted that applicant was forcibly locally discharged on 06.03.2010 without serving show cause notice to him and escorted to his wife's parental home in Arvailli (Gujarat). He further submitted that after hearing the news of applicant's discharge from service his father went into deep sock and died. He further submitted that applicant's wife and mother, who are fully dependent upon him and were sick at the time of his discharge continued in the same situation for a long time. It is further submitted that applicant approached to highest dignitaries such as, President of India, Prime Minister, Defence Minister, Chief of Army Staff etc. for the redressal of his grievances, however, none of them redressed his grievances forcing him to run in harness. It is further submitted that delay caused in filing of Original Application is not intentional or deliberate, but due to reasons stated in affidavit filed in support of delay condonation application and, therefore, delay be condoned.</p> <p style="text-align: center;">Ld. Counsel for the respondents has vehemently opposed the application inter-alia on the ground that grounds shown in affidavit filed in support of delay condonation application are not true. He has further submitted that applicant has failed to explain day-to-day delay in the filing of Original Application, as such, delay is not liable to be condoned.</p> <p style="text-align: center;">Undisputedly, Original Application has been filed with a delay of around nine years for which applicant has stated on oath that on account of his father being socked and died after hearing the news of his discharge and his mother and wife illness being prolonged and his grievances being not redressed by the highest authorities, he could not file the Original Application</p>

on time.

Grounds shows by the applicant seem to be genuine and sufficient. In the result, delay condonation application is allowed and delay caused in filing of Original Application is condoned.

O.A. No. 191 of 2020

Heard.

Admit.

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

List this case on **27.11.2020** before the Registrar Court for exchange of pleadings.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/UKT/-

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

M.A. No. 1915 of 2018 Inre : O.A. No. (Nil) fo 2018

Ex. Nk./Clk. Awadhesh Kumar Pathak
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>18.09.2020</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 Kaushik Chatterjee, Ld. Counsel for the respondents on delay condonation application.</p> <p><u>M.A. No. 1915 of 2018</u></p> <p style="text-align: center;">Original Application has been filed with delay of two years and seventeen days to which applicant has given explanation in affidavit filed in support of delay condonation application.</p> <p style="text-align: center;">Considering the above aspect and that grounds shown in affidavit filed in support of delay condonation application seem to be genuine and sufficient, delay condonation application is allowed.</p> <p><u>O.A. No. 189 of 2020</u></p> <p style="text-align: center;">Heard. 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 25.11.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/UKT/-</p>

