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

O.A. No. 152 of 2020 with M.A. No. 148 of 2020

Ex. Hav. Ram Rahish 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri R.C. Shukla, Advocate filed Power today in the Court on behalf of the respondents and the same is taken on record. Heard Shri Ashok Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents. **Admit**. Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **04.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 153 of 2020 with M.A. No. 149 of 2020

Ex. Nk. Gurpreet 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Anju Singh, Advocate filed Power today in the Court on behalf of the respondents and the same is taken on record. Heard Shri Ashok Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents. **Admit**. Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **04.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 154 of 2020 with M.A. No. 150 of 2020

Ex. Nk. Sandeep 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Rajesh Shukla, Advocate filed Power today in the Court on behalf of the respondents and the same is taken on record. Heard Shri Ashok Singh, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents. **Admit**. Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **04.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 125 of 2020 with M.A. No. 146 of 2020

Ex. Sep. Amit Kumar Through his wife Smt. Pinki Devi 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 146 of 2020** Heard Shri Bachchan Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents on amendment application. The reasons given in the affidavit filed in support of amendment application are sufficient. The amendments do not change the nature of case. Accordingly, amendment application is allowed. Ld. Counsel for the applicant is directed to incorporate the amendment by today itself. **O.A. No. 125 of 2020** **Admit**. Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **05.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 178 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Sub./Clk. (GD) Om Prakash 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Shyam Singh, Advocate filed power today in the Court on behalf of the respondents is taken on record. Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents on delay condonation application. The Original Application has been filed with delay of 17 years, 04 months and 01 day. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 374 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **05.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 208 of 2020 Inre : O.A. No. (Nil) of 2020

Smt. Shanti Singh D/o Late Ex. Sep. Ram Naresh 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col. R.C. Dixit (Retd.), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents on delay condonation application. The Original Application has been filed with delay of 17 years, 10 months and 19 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 372 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **06.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 332 of 2020

Sub. Rakesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Dr. Shailendra Sharma Atal, Advocate filed power today in the Court on behalf of the respondents is taken on record. Heard Shri Gyan Singh Chauhan and Shri Ajeet Pratap Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal , Ld. Counsel for the respondents. This is a fit case for adjudication. Admit. Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within next two weeks. List on **06.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 177 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Sgt. Pramod Kumar Upadhyay 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Ashish Kumar Singh, Advocate filed power today in the Court on behalf of the respondents is taken on record. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents on delay condonation application. The Original Application has been filed with delay of 07 years, 02 months and 28 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 371 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **06.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 124 of 2020

Ex. Rect. Raghvendra 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Nand Kishore, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. This is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **06.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 67 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Cfn. Inderjit Sharma 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Om Prakash Kushwaha and Shri Shiv Kumar Saroj, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents on delay condonation application. The Original Application has been filed with delay of 24 years and 01 day. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 373 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **04.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 68 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. LME Sushil Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. The Original Application has been filed with delay of 11 months and 28 days. The submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of facts stated in affidavit filed in support of the application. Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay by the applicant is not satisfactory, hence delay should not be condoned. We have gone through application filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient. As such, delay caused in filing of application is condoned. Application stands decided accordingly. Let Original Application be registered. **O.A. No. 383 of 2020** The innocuous prayer of the applicant is that to direct the respondents to decide the applicant's representation dated 14.04.2019 for rectification of leave encashment records and grant of 40 days leave encashment, which is pending with the respondents. With the consent of Ld. Counsel for the parties, we hereby **dispose** of the Original Application finally with the direction to the respondents to decide the applicant's representation dated 14.04.2019 by a speaking and reasoned order in accordance with law, if not already decided, within a period of three months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly. Let a copy of this order be provided to the learned Counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. 126 of 2020

Ex. Sgt. Anupam Shukla 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **05.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 102 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Cfn. Ram Din 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents. The Original Application has been filed with delay of 51 years, 07 months and 04 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 382 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **06.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

Form No. 4

{See rule 11(1)}

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

M.A. No. 205 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. LSA Girijesh Mani Tripathi 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 14 years, 01 months and 22 day. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 368 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **05.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

Form No. 4

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

M.A. No. 206 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Hav. (Hony. Nb. Sub.) Ram Prasad Rai 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. The Original Application has been filed with delay of 10 years, 05 months and 11 day. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 367 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **06.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Court No.1 (E. Court)

M.A. No. 45 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. MWO (Hony. Flt. Lt.) Sarvesh 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents. This is an application filed under Section 14 of the Armed Forces Tribunal Act, 2007 with delay of 05 years and 19 days. Submission of Ld. Counsel for the applicant is that the applicant was discharged from service on 30.06.2014. Further submission of Ld. Counsel for the applicant is that applicant filed an Appeal before the respondents on 24.09.2019 for re-fixation of his pension in view of 6th Central Pay Commission report and Judgment rendered by the Hon'ble Madras High Court in Writ Petition No. 15732 of 2017 P. Ayyamperumal Versus Union of India. Further submission of the Ld. Counsel for the applicant is that however his Appeal was dismissed on 04.11.2019 without any pleausible reason. His Further submission is that the matter being related with pension, bar of limitation is not applicable to it. Ld. Counsel for the respondents has vehemently opposed the prayer saying that applicant has failed to given plausible explanation of delay caused in filing Original Application, delay should not be condoned. Upon hearing the Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that delay in filing the Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application for condonation of delay, which are sufficient. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 366 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **05.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. (A) No. 118 of 2020 with M.A. No. 231 of 2020

Ex. LAC P.P. Naidu Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Ms. Nisha Pandey, Ld. Counsel for the appellant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents on amendment application. The reasons given in the affidavit filed in support of amendment application are sufficient. The amendments do not change the nature of case. Accordingly, amendment application is allowed. Ld. Counsel for the applicant is directed to incorporate the amendment within a week. **O.A. (A) No. 118 of 2020** **Admit**. Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **07.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 331 of 2020

Lt. Col. Sandeep Sharma 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Amit Jaiswal, Advocate filed power today in Court on behalf of the respondents Nos. 1 to 5 which is taken on record. On the case being taken up for hearing Ms. Soma Pandey and Shri Shashank Dwivedi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents Nos. 1 to 5 are present. Shri Amit Jaiswal, Advocate has accepted notice on behalf of respondent Nos. 1 to 5. He prays for and is grante3d foru weeks time to file Court Affidavit. Issue notice to respondent No. 6 who may also file Counter Affidavit within the aforesaid period. Steps within a week. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter. List on **08.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 692 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sgt. Dinesh Kumar Singh Bisht 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents on delay condonation application. The Original Application has been filed with delay of 04 years, 11 months and 04 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 365 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **07.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 279 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. MWO Brij Bhushan 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Dr. Chet Narain Singh, Advocate filed power today in the Court on behalf of the respondents is taken on record. Heard Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents on delay condonation application. The Original Application has been filed with delay of 07 years and 12 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 364 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **07.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 272 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Hav. Ram Sureman 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Anurag Mishra, Advocate filed power today in the Court on behalf of the respondents is taken on record. Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents on delay condonation application. The Original Application has been filed with delay of 10 years, 11 months and 11 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 363 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **08.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 278 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Nb. Sub. Sanjeev Kumar Gupta 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Yogesh Kesarwani, Advocate filed power today in the Court on behalf of the respondents is taken on record. Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents on delay condonation application. The Original Application has been filed with delay of 06 months and 12 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 362 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **08.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 280 of 2020 with M.A. No. 281 of 2020 Inre : O.A. No. 69 of 2019

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

Versus

Ex. Sub. Mahendra Pratap Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Ashish Kumar Singh, Ld. Counsel for the applicants and Shri Parijaat Belaura, Ld. Counsel for the respondent on Leave to Appeal. This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 69 of 2019. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is **rejected**. In consequence thereof application for leave to appeal is also **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 194 of 2020 with M.A. No. 195 of 2020 Inre : O.A. No. 299 of 2017

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

Versus

Ex. Craftsman (VM) Rajesh Kumar Awasthi Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Namit Sharma, Ld. Counsel for the applicant and Shri Virat Anand Singh, Ld. Counsel for the respondents on Leave to Appeal. This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 299 of 2017. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is **rejected**. In consequence thereof application for leave to appeal is also **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 20 of 2020 Inre : O.A. No. 180 of 2019

L/Nk. Kamil Hussain Beg Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Shri Rajiv Kumar Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Allahabad is also present. As prayed, list tomorrow i.e. **20.10.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1616 of2 018 Inre : O.A. No. (Nil) of 2018

Smt. Basant Pradhan Mother of (Late) Nk. Kampal Pradhan 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Submission of Ld. Counsel for the applicant is that since part claim of the applicant has been accepted by the respondents during the pendency of Original Application, applicant should be permitted to withdraw the Original Application with liberty to file afresh. Ld. Counsel for the respondents has vehemently opposed the prayer saying request for withdrawal of Original Application being made after a great delay the same should be refused and, if allowed, then it should be with heavy cost. Considering that applicant's part claim has been accepted during the pendency of the Original Application and, in view of that, afresh Original Application is required to be filed, we permit applicant to withdraw the Original Application with liberty to file afresh. Order accordingly. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1262 of 2018 Inre : O.A. No. (Nil) of 2018

Vipin 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none is present on behalf of the applicant. Shri R.K.S. Chauhan, Ld. Counsel for the respondents is present. List on **04.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1826 of 2017 Inre : O.A. No. (Nil) of 2017

Rajesh Kumar Maurya Applicant
By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none is present on behalf of the applicant. Shri R.C. Shukla, Ld. Counsel for the respondents is present. List on **07.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 432 of 2018

Ex Hav (Hony Nb Sub) Bharat 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupata, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Despite several opportunities being given to the applicant for filing Rejoinder Affidavit, the same has not been filed. Hence, opportunity to file the same is closed. List on **06.01.2021** for final hearing. On the date fixed Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1781 of 2018 Inre : O.A. No. (Nil) of 2018

Ex Sigmn Rohitash Gurjar 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.K.S. Bisht, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents on delay condonation application. Ld. Counsel for the applicant submitted that delay in filing the Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application for condonation of delay. Further submission of the Ld. Counsel for the applicant is that after being discharged from service on 12.07.2014 applicant made several representations to the authorities conconed for redressal of his grievances, but the same were not disposed of. Ld. Counsel for the respondents have vehemently opposed the prayer saying no plausible explanation has been given for day to day delay, hence, application deserves to be dismissed. Upon hearing the submission of Ld. Counsels for both sides we find that reasons shown for condonation of delay are genuine and sufficient. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 379 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **12.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 996 of 2018 Inre : O.A. No. (Nil) of 2018

Kishan Ketheria 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri A.N. Tripathi & Shri R.C. Shukla, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative. The Original Application has been filed with delay of 11 years, 09 months and 02 days. Submission of learned counsel for the applicant is that it is an Honorary Naib Subedar's pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 378 of 2020** Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1770 of 2018 Inre : O.A. No. (Nil) of 2018

Smt Bindumati Wife of Chandra Sekar Singh (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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. The Original Application has been filed with delay of 08 years, 09 months and 28 days. Submission of learned counsel for the applicant is that it is an Honorary Naib Subedar's pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 380 of 2020** Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1831 of 2018 Inre : O.A. No. (Nil) of 2018

Ex Hav (Hony Nb Sub) Brij Mohan 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. The Original Application has been filed with delay of 08 years, 10 months and 12 days. Submission of learned counsel for the applicant is that it is an Honorary Naib Subedar's pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 381 of 2020** Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 769 of 2018 Inre : O.A. No. (Nil) of 2018

Puran Chandra Joshi 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Balaura Ld. Counsel for the applicant and Shri Ashutosh Kumar Srivastava, Shri R.C. Shukla and Shri Vinod Kumar Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Matter involved in this case is pending for hearing before the Hon'ble Supreme Court by way of Special Leave Petition. List on **17.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 105 of 2019

Inam 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none appears on behalf of the applicant to present his cause nor Rejoinder Affidavit is filed. Shri R.C. Shukla, Ld. Counsel for the respondents along with Maj. Sini Thomas, Departmental Representative is present. In the circumstances opportunity to file Rejoinder Affidavit is closed. List on **17.02.2021** for final hearing. On the date fixed Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 250 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Nk Khushal 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Lohitaksha Shukla, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative. The Original Application has been filed with delay of 14 years, 02 months and 04 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 370 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **12.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1000 of 2018 Inre : O.A. No. (Nil) of 2018

Mrs. Sheela Thapa 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Mukesh Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative. The Original Application has been filed with delay of 19 years, 01 month and 07 days. Submission of learned counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. His further submission is that it is a pensionary matter in which bar of limitation is not applicable. Ld. Counsel for the respondents has vehemently opposed the paryer and submitted that applicant has been failed to explain the delay on day to day basis, application deserves to be dismissed. Upon hearing submissions of Ld. Counsels of both sides, we find that matter in issue bing a pensionary matter, bar of limitation is not applicable. Further, reasons given for condonation of delay are sufficient. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 369 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **12.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Dy. No. 73 of 2020 Inre : O.A. No. (Nil) of 2020

HFO Chandra Sekhar Pathak (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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none is present on behalf of the applicant. Shri Rajiv Pandey, Ld. Counsel for the respondents is present. List on **18.12.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 537 of 2019

Nb Sub Bipin Bihari Nayak 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **22.02.2021** for final hearing. On the date fixed Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1823 of 2017 with M.A. No. 968 of 2018 Inre : O.A. No. (Nil) of 2017

Badam 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Shri Vinod Kumar Singh, Ld. Counsel for the AGIF is also present. Matter involved in this case is pending in the Hon'ble Supreme Court for hearing by way of Special Leave Petition. List on **17.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1705 of 2018 Inre : O.A. No. (Nil) of 2018

Ex Cfn Mahangoo Prasad Vishwakarma 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative. The Original Application has been filed with delay of 06 year 01 month and 18 days. The submission of Ld. Counsel for the applicant is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of the application. Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay by the applicant is not satisfactory, hence delay should not be condoned. We have gone through application filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient. As such, delay caused in filing of application is condoned. Application stands decided accordingly. Let Original Application be registered. **O.A. No. 377 of 2020** It is a fit case for adjudication. Admit. Counter Affidavit is already on record. Rejoinder Affidavit, if any, may be filed within two weeks. List this case on **23.02.2021** for final hearing. On the date fixed Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Court No.1 (E. Court)

M.A. No. 1590 of 2018 Inre : O.A. No. (Nil) of 2018

Kamal Singh Ghugatyal 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative. There is a delay of 03 years, 01 month and 03 days in filing the original Application which has been filed for setting aside applicant's discharge order dated 10.12.2010 passed by the Summary Court Martial. Submission of the Ld. Counsel for the applicant is that applicant was never supplied the copy of Summary Court Martial proceedings held on 10.12.2010 and also the copy of impugned dismissal order. He was even not provided the opportunity to file Appeal against the Summary Court Martial proceedings and discharge order and that he would not be entitled to any terminal benefit and other facilities. Further submission of the Ld. Counsel for the applicant is that immediately after discharge from service applicant's family members rushed to Doctor for his treatment who advised him to complete bed rest to recover from Alcohol Dependency Syndrome which continued till date. In support, papers relating to treatment and medical certificates are filed. Shri Namit Sharma, Ld. Counsel for the respondents has vehemently opposed the prayer saying Original Application has been filed after expiry of more than seven years from the date of discharge for which applicants has not given any satisfactory explanation. Upon hearing the submission of Ld. Counsels for both sides and considering the facts and circumstances of the case and also the kind of treatment given to the applicant, we find that delay deserves to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 376 of 2020** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on **12.01.2021** before the Registrar Court for exchange of pleadings. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1892 of 2016 Inre : O.A. No. (Nil) of 2016

Smt. Kamla Devi 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Mohd Zafar Khan, Shri Ashutosh Kumar Srivastava and Shri Ambrish Dubey, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Matter involved in this case is pending in the Hon'ble Supreme Court for hearing by way of Special Leave Petition. List on **17.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 2222 of 2017 Inre : O.A. No. (Nil) of 2017

Smt. Mithlesh Devi 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Shri Vinod Kumar Singh and Shri Ashutosh Kumar Srivastava, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Matter involved in this case is pending in the Hon'ble Supreme Court for hearing by way of Special Leave Petition. List on **17.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1671 of 2017 Inre : O.A. No. (Nil) of 2017

Smt. Anupama Mishra Applicant
By Legal Practitioner for the Applicant

Versus

Managing Director AGI & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Shri Ashutosh Kumar Srivastava and Shri Vinod Kumar Singh, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative, are present. Matter involved in this case is pending in the Hon'ble Supreme Court for hearing by way of Special Leave Petition. List on **17.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 1557 of 2018 Inre : O.A. No. (Nil) of 2018

Ex Hav (Hony Nb Sub) Jagdish 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present. The Original Application has been filed with delay of 08 years, 08 months and 17 days. Submission of learned counsel for the applicant is that it is an Honorary Naib Subedar's pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection. Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned. Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 375 of 2020** It is a fit case for adjudication. Admit. It is submitted by the Ld. Counsel for the respondents that he has already filed Counter Affidavit today in the registry which is to be taken on record. Let counter affidavit be placed on record. Heard. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 424 of 2018

Abdul Rashid 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri B.B. Tripathi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental Representative. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 422 of 2018

Shyam Charan Tiwari 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri D.S. Tiwari, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 427 of 2018

Hony Nbn Sub Ram Karan 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 61 of 2019

Ex Sep Ashok 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Lal Chandra Sahu, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:- *(a) That Hon'ble Tribunal may please to set aside the order dated 04.09.2017 passed by the respondents.* *(b) That Hon'ble Tribunal may please to grant rounding off disability pension from 20% to 50% from the date of discharge with interest.* *(c) This Hon'ble Tribunal may please to issue order or direction which this Hon'ble Court may deem fit and proper under circumstances of the case."* Briefly stated facts of the case are that the applicant was enrolled in Indian Army on 16.01.1978 and was discharged on 31.01.1995 in low medical category. The Release Medical Board identified his disability as 'TRANSIENT ORGANIC PSYCHOTIC DISORDER, ICD-293, V-67' and assessed it @15-19% for two years. The applicant was granted normal and disability pension @20% after the discharge from service. His last Review Medical Board held on 30.05.2005 assessed his disability @20% for life w.e.f. 30.12.2004. Accordingly, P.P.O. was issued by the Principal Controller of Defence Account (Pension), Allahabad. The applicant preferred an application for benefit of rounding off disability pension from 30% to 50%, which was denied by the respondents vide order 04.09.2017. Presently the applicant is in receipt of 20% disability pension for life and has moved this Original Application for the benefit of rounding off of disability element. Ld. Counsel for the applicant argued that since the applicant is already in receipt of 20% disability element for life therefore in view of judgment in O.A.

No. 328 of 2016, Colonel Dharam Raj Singh (Retd), decided by Armed Forces Tribunal, Regional Bench, Lucknow on 07.09.2016 and Hon'ble Apex Court judgment in the case of *Union of India and Ors vs Ram Avtar & ors* (Civil appeal No. 418 of 2012 decided on 10th December 2014), the applicant is also entitled to benefit of rounding off of disability element @ 50% for life.

On the other hand, though Ld. Counsel for the respondents conceded receipt of 20% disability pension by the applicant but contended that the applicant is not entitled to the benefit of rounding off of disability pension on the ground that the applicant's services were not cut short as he was not invalided out on account of his disability. In the instant case the applicant was discharged from service on completion of his terms of engagement, therefore, the Ld. Counsel claimed that he is not eligible for the benefit of rounding off.

We have heard Ld. Counsel for the parties and perused the material placed on record. The only question which needs to be answered is that whether the applicant is entitled for the benefit of rounding off of his disability pension?

The law on the point of rounding off of disability pension is no more RES INTEGRA in view of Hon'ble Supreme Court judgment in the case of Union of India and Ors vs Ram Avtar & ors (Civil appeal No 418 of 2012 decided on 10th December 2014) wherein the Hon'ble Apex Court has nodded in disapproval of the policy of the Government of India in granting the benefit of rounding off of disability pension only to the personnel who have been invalided out of service and denying the same to the personnel who have retired on attaining the age of superannuation or on completion of their tenure of engagement. The relevant portion of the decision is excerpted below:-

> *"4. By the present set of appeals, the appellant (s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No 1(2)/97/D (Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.*
>
> *5. We have heard Learned Counsel for the parties to the lis.*
> *6. We do not see any error in the impugned judgment (s) and order(s) and therefore, all the appeals which pertain to the concept of rounding off of the disability pension are dismissed, with no order as to costs.*
> *7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.*
> *8. This Court grants six weeks' time from today to the appellant(s) to comply with the orders and directions*

passed by us."

In the instant case, there is no dispute that the applicant is in receipt of 20% disability element for life. This fact has also been accepted by the respondents and is also clearly indicated by the P.P.O. attached with the Counter Affidavit (Annexure VII). Thus in view of the settled law on this matter we are of the considered opinion that the applicant is entitled the benefit of rounding off.

It may be observed that claim for pension is based on continuing wrong and relief can be granted if such continuing wrong creates a continuing source of injury. In the case of ***Shiv Dass vs. Union of India***, reported in 2007 (3) SLR 445, para-9, Hon'ble Apex Court has observed:

> "In the case of pension the cause of action actually continues from month to month. That, however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone."

As observed in the preceding paragraphs, delay in filing the O.A. has been condoned by this Tribunal vide order dated 23.01.2019, as such, in view of the decision of Hon'ble Supreme Court in the case of Shiv Dass (supra), we are of the considered view that benefit of rounding off of disability pension @ 20% for life to be rounded off to 50% for life may be made applicable to the applicant from three preceding years from the date of filing of the O.A.

In view of the above, the Original Application No. 61 of 2019 deserves to be allowed, hence allowed. The impugned order 04.09.2017, enclosed at page 15 of the Original Application, is set aside. The applicant is entitled to the benefit of rounding off of disability element from 20% for life to 50% for life with effect from three years prior to the date of filing of this Original Application. The date of filing of this Original Application is 26.02.2018. The respondents are directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 9% per annum till actual payment.

No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/SB/-

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

O.A. No. 586 of 2018

Ex Nk Lekhraj 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative, are present. As prayed, list tomorrow i.e. **20.10.2020** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 45 of 2019

Hony Nb Sub Tahasildar 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
	19.10.2020 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-