

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

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

M.A. No. 282 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Hav. Bir Bahadur Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Dr. Gyan Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 06 years and 13 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 387 of 2020</u></p> <p>It is a fit case for adjudication. Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 30.12.2020 before the Registrar Court for exchange of pleadings.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(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. 283 of 2020 Inre : O.A. No. (Nil) of 2020

Hony. Sub. Maj. Shailendra Kumar (Retd.)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Dr. Gyan Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr.Gyan Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 07 years, 07 months and 28 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 333 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 30.12.2020 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>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. 180 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Nk. Prem Prakash Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri S.V. Srivasatava, Advocate filed power today in Court on behalf of the respondents is taken on record.</p> <p>Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri S.V. Srivastava, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 14 years, 03 months and 03 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 386 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 30.12.2020 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)

O.A. No. 335 of 2020

Dfr. (NA Vet) Murahoo Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Adesh Kumar Gupta, Advocate filed power today in Court on behalf of the respondents is taken on record.</p> <p>Heard Shri Satyendra Kumar Mishra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>The innocuous prayer of the applicant is that to direct the respondent No. 3 to decide the applicant's representation dated 07.10.2019, enclosed as Annexure No. A-1 to Original Application.</p> <p>With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondent No. 3 to decide the applicant's representation dated 07.10.2019 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.</p> <p>Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/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. 172 of 2020 with M.A. No. 173 of 2020 Inre : O.A. No. 182 of 2017

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Sep. Neeraj Bhatt
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Amit Jaiswal, Ld. Counsel for the applicants and Shri R. Chandra, Ld. Counsel for the respondent.</p> <p style="text-align: center;">This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 182 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.</p> <p style="text-align: center;">In consequence thereof application for leave to appeal is also rejected.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/UKT/-</p>

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

Ex. A. No. 29 of 2020 Inre : O.A. No. 15 of 2017

Ex. Sep. Om Prakash Tripathi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Ashish Kumar Singh, Advocate filed power today in Court on behalf of the respondents is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and allowed four weeks time to seek instructions from the appropriate authority and to file compliance report.</p> <p style="text-align: center;">List on 02.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (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)

O.A. No. 654 of 2017

Bharat Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none appears on behalf of the applicant nor Rejoinder Affidavit has been filed.</p> <p>Shri Rajiv Pandey, Ld. Counsel for the respondents is present.</p> <p>Inspite of several opportunities granted the Rejoinder Affidavit has not been filed by the applicant. Hence, opportunity to the Rejoinder Affidavit is closed.</p> <p>List on 22.02.2021 for final hearing.</p> <p>On the date fixed Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>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. 158 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Hav. Naresh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Abhay Raj Singh, Ld. Counsel for the applicant and Mohd. Zafar Khan, Ld. Counsel for the respondents assisted by Maj. Sini Thomas, Departmental Representative.</p> <p>There is a delay of 05 months and 28 days in filing Original Application regarding which submission of the Ld. Counsel for the applicant is that applicant being a member of disciplined force could not get sufficient time to contact his lawyer and file application on time.</p> <p>Ground seems to be sufficient, therefore, delay is condoned.</p> <p>Ld. Counsel for the respondents has raised a preliminary question regarding maintainability of Original Application saying order in challenge being severe reprimand and not a case of dismissal from service or imprisonment for more than three months, as provided in Section 3(o) (iv) of the Armed Forces Tribunal Act, 2007, Original Application is not maintainable. He has further submitted that Original Application has been filed without exhausting the remedy provided in the Army Act, 1950, therefore, Original Application is not maintainable on this reason also.</p> <p>We have gone through Section 3(o)(iv) of the Armed Forces Tribunal Act, 2007 together with Section 15 of the Armed Forces Tribunal Act, 2007 which deals with Jurisdiction, Powers and Authority of the Tribunal in matters of appeal against Court Martial. In Sub-Section (2) of Section 15 it is clearly provided that "<i>any person aggrieved by an order, decision, finding or sentence passed by a court martial may prefer an appeal in such form, manner and within such time as may be prescribed</i>". From this it is clear that if one feels aggrieved against any order passed in Court Martial proceedings can file Appeal, and, for this, it is not necessary that order should be dismissal from service or imprisonment for more than three months.</p> <p>As regards remedies exhausted before filing Original Application,</p>

applicant has stated in para 6 of the Original Application that he had preferred First Appeal and Second Appeal against the order in First Appeal. This also shows that present Original Application has been filed after exhausting remedies provided in Army Act.

In view of above, we do not find any force in submissions of Ld. Counsel for the respondents regarding maintainability of Original Application and they are therefore repelled.

Let Original Application be registered.

O.A. No. 385 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)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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

M.A. No. 1849 of 2018 Inre : O.A. No. (Nil) of 2018

Ex. Sep. Raj Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>List on 30.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) 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. 213 of 2019 Inre : O.A. No. (Nil) of 2019

Smt. Giraji Devi Wife of Late Sep. Shree Kishan
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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Amit Verma and Shri B.B. Tripathi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents Nos. 1 to 3.</p> <p>The Original Application has been filed with delay of 13 years, 01 months and 22 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondent Nos. 1 to 3 submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 384 of 2020</u></p> <p>It is a fit case for adjudication. Admit.</p> <p>Ld. Counsel for the respondent Nos. 1 to 3 seeks and is allowed four weeks time to file Counter Affidavit.</p> <p>Issue notice to respondent Nos. 4 and 5 who may also file Counter Affidavit within the aforesaid period.</p> <p>Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 11.01.2021 before the Registrar Court for exchange of pleadings.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(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. 200 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Rect. Pankaj Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Brijendra Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 09 months and 06 days.</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p style="text-align: center;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p style="text-align: center;">Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: center;">Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 388 of 2020</u></p> <p style="text-align: center;">It is a fit case for adjudication. Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List this case on 05.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>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. 733 of 2019 with M.A. No. 774 of 2019 Inre : T.A. No. 978 of 2010

Ex. Nk. Uma Shankar Yagik 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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On 13.09.2019 this Tribunal had directed to applicant to furnish copy of delay condonation application to the Counsel for the respondents which probably he has not done. He is therefore directed to furnish copy of delay condonation application within three days positively, thereafter, objection, if any, against delay condonation application may be filed within two weeks.</p> <p style="text-align: center;">List on 25.11.2020 for hearing on delay condonation application.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 10px;">AKD/UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

M.A. No. 821 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sep. Narendra Ram Krishna Umratkar 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
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Shri Rajiv Pandey, Ld. Counsel for the respondents is present.</p> <p>List on 15.12.2020 for orders.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) 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. 10 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Rect. Jitendra Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Col. Y.R. Sharma (Retd.), Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Col. Y.R. Sharma (Retd.), Ld. Counsel for the applicant submits that there is no delay in filing of Original Application. He further submits that applicant has submitted a representation to the Chief of the Army Staff requesting him to reinstate applicant into service on 01.02.2017, but no reply has been received till date. Thus he submits that instant Original Application being covered under Section 21(1)(b) of the Armed Forces Tribunal Act, 2007 as the same being filed after the expiry of six months from the date on which representation to the Chief of the Army Staff was submitted. The same should be treated on time.</p> <p style="text-align: center;">Ld. Counsel for the respondents has vehemently opposed the application saying applicant has failed to explain delay on day to day basis, application deserves to be dismissed.</p> <p style="text-align: center;">Considering the facts and circumstances of the case and also that instant Original Application falls under Section 21(1)(b) of the Armed Forces Tribunal Act, 2007 and it has been filed after the expiry of six months from the date on which representation to the Chief of the Army Staff was made, it is treated to be on time.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 391 of 2020</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List this case on 07.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) 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. 203 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Nk. Mahesh Prasad Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Devesh Mishra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 11 years, 04 months and 20 days.</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p style="text-align: center;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p style="text-align: center;">Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: center;">Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 390 of 2020</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List this case on 07.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) 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. 91 of 2019 with M.A. No. 92 of 2019 Inre : M.A. No. 82 of 2014

Ex. Hav. Shiv Prasad Gupta
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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u> Heard Shri D.S. Tiwari, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Objection against recall application is taken on record.</p> <p><u>M.A. No. 91 of 2019</u></p> <p style="text-align: center;">The Recall Application has been filed with delay of 04 years, 07 months and 03 days.</p> <p style="text-align: center;">The submission of Ld. Counsel for the applicant is that delay caused in filing of Recall Application is not deliberate, but on account of facts stated in affidavit filed in support of the application.</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">We have gone through affidavit filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p style="text-align: center;">As such, delay caused in filing of recall application is condoned. Application stands decided accordingly.</p> <p><u>M.A. No. 92 of 2019</u></p> <p style="text-align: center;">This is an application for recall of order dated 13.05.2014 passed by this Tribunal in M.A. No. 82 of 2014.</p> <p style="text-align: center;">We have gone through affidavit filed in support of recall application and find that grounds stated therein are genuine and sufficient.</p> <p style="text-align: center;">In view of above, Recall Application is allowed and M.A. No. 82 of 2014 is restored to its original number.</p> <p><u>M.A. No. 82 of 2014</u></p> <p style="text-align: center;">List on 04.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (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)

O.A. No. 150 of 2020

Ex. Sep. Dineshwar Tiwari
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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri D.S. Tiwari, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">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 08.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">.</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)

O.A. No. 95 of 2019

Kalawati By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Jay Prakash Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Counter Affidavit has not been filed since 02.04.2019. Hence, opportunity to file Counter Affidavit is closed.</p> <p style="text-align: center;">List on 12.01.2021 for final hearing.</p> <p style="text-align: center;">On the date fixed Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <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. 1249 of 2017 with M.A. No. 1250 of 2017 Inre : O.A. No. 157 of 2014
Ex. Hav. Umesh 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
	<p><u>20.10.2020</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</p> <p>Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of the respondents is taken on record.</p> <p>Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Objection filed by the respondents is taken on record.</p> <p><u>M.A. No. 1249 of 2017</u></p> <p>The Recall Application has been filed with delay of 01 year, 09 months and 16 days.</p> <p>The submission of Ld. Counsel for the applicant is that delay caused in filing of Recall Application is not deliberate, but on account of facts stated in affidavit filed in support of the application.</p> <p>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.</p> <p>We have gone through affidavit filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p>As such, delay caused in filing of recall application is condoned. Application stands decided accordingly.</p> <p><u>M.A. No. 1250 of 2017</u></p> <p>This is an application for recall of order dated 14.09.2015 passed by this Tribunal in O.A. No. 157 of 2014.</p> <p>We have gone through affidavit filed in support of recall application and find that grounds stated therein are genuine and sufficient.</p> <p>In view of above, Recall Application is allowed and O.A. No. 157 of 2014 is restored to its original number.</p> <p><u>O.A. No. 157 of 2014</u></p> <p>List on 11.01.2021 for final hearing.</p> <p>On the date fixed Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

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

M.A. No. 865 of 2019 with M.A. No. 867 of 2019 Inre : Ex. A. No. 119 of 2017
Inre : O.A. No. 215 of 2013

Smt. Pooja 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
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri K.K. Misra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents on recall application.</p> <p><u>M.A. No. 867 of 2019</u></p> <p style="text-align: center;">The Recall Application has been filed with delay of 11 months and 09 days.</p> <p style="text-align: center;">The submission of Ld. Counsel for the applicant is that delay caused in filing of Recall Application is not deliberate, but on account of facts stated in affidavit filed in support of the application.</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">We have gone through affidavit filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p style="text-align: center;">As such, delay caused in filing of recall application is condoned. Application stands decided accordingly.</p> <p><u>M.A. No. 865 of 2019</u></p> <p style="text-align: center;">This is an application for recall of order dated 05.01.2018 passed by this Tribunal in Execution Application No. 119 of 2015.</p> <p style="text-align: center;">We have gone through affidavit filed in support of recall application and find that grounds stated therein are genuine and sufficient.</p> <p style="text-align: center;">In view of above, Recall Application is allowed and Execution Application No. 119 of 2017 is restored to its original number.</p> <p><u>Ex. A. No. 119 of 2017</u></p> <p style="text-align: center;">List on 06.01.2021 for orders.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <p style="font-size: small; margin-top: 10px;">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. 1969 of 2017 with M.A. No. 1970 of 2017 Inre : O.A. No. 166 of 2011

Sachchida Nand Tiwari 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
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura and Mrs. Kavita Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>List on 17.02.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/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. 210 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Sub. Gurdial Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 15 years, 08 months and 17 days.</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p style="text-align: center;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p style="text-align: center;">Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: center;">Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 396 of 2020</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">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 11.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>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. 52 of 2020 with M.A. No. 53 of 2020 Inre : O.A. No. 584 of 2018

Along with

R.A. No. 2 of 2020 with M.A. No. 50 of 2020 Inre : O.A. No. 584 of 2018

Along with

Ex. A. No. 13 of 2020 Inre : O.A. No. 584 of 2018

Union of India & Others

By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Dfr. Vivek Singh

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri D.K. Pandey, Ld. Counsel for the applicants and Shri Manoj Kumar Awasthi, Ld. Counsel for the respondent on Leave to Appeal.</p> <p>This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 584 of 2018. 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.</p> <p>In consequence thereof application for leave to appeal is also rejected.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(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)

R.A. No. 2 of 2020 with M.A. No. 50 of 2020 Inre : O.A. No. 584 of 2018
Along with
M.A. No. 52 of 2020 with M.A. No. 53 of 2020 Inre : O.A. No. 584 of 2018
Along with
Ex. A. No. 13 of 2020 Inre : O.A. No. 584 of 2018

Union of India & Others By Legal Practitioner for the Applicants	Versus	Applicants
Ex. Dfr. Vivek Singh By Legal Practitioner for Respondent		Respondent

Notes of the Registry	Orders of the Tribunal		
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri D.K. Pandey, Ld. Counsel for the applicants and Shri Manoj Kumar Awasthi, Ld. Counsel for the respondent are present.</p> <p style="text-align: center;">List on 04.11.2020 for hearing on Review Application.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="text-align: center; width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="font-size: small; margin-top: 10px;">AKD/UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

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

Ex. Rect. Ram Babu
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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi , Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and is granted three days time to file objection on delay condonation application.</p> <p>List on 02.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>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. 192 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. MACP Hav. Tejpal Singh Chand
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 08 months and 22 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 393 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 13.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A No. 623 of 2017 with M.A. No. 634 of 2019
M.A. No. 635 of 2019

Deo Nandan Tiwari
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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Ms. Nisha Pandey, Ld. Counsel for the Applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: center;"><u>M.A. No. 634 of 2019</u></p> <p>This is an application for condonation of delay in filing substitution application which is delayed by 2 years, 04 months & 12 days.</p> <p>The grounds shown in the affidavit filed in support of the application for condonation of delay seem to be sufficient.</p> <p>Accordingly, the application for condonation of delay is allowed and the delay in filing substitution application is condoned.</p> <p style="text-align: center;"><u>M.A. No. 635 of 2019</u></p> <p>In view of facts stated in affidavit filed in support of substitution application abatement is set aside. Substitution application is allowed. The applicant is permitted to substitute legal heirs in the array of parties within two weeks.</p> <p style="text-align: center;"><u>OA. No. 623 of 2017</u></p> <p>Counter affidavit is already on record.</p> <p>Learned counsel for the applicant seeks and is allowed two weeks time to rejoinder affidavit.</p> <p>List on 10.12.2020 for orders.</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>rathore</p>

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

M.A. No. 661 of 2019 Inre O.A. (Nil) of 2019

Ex Hav/Clk Hom Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the Applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>The Original Application has been filed with delay of 14 years, 05 months & 21 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 400 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 14.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

M.A. No. 622 of 2019 Inre O.A. (Nil) of 2019

Ex Sep Akhil DJ

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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Paritosh Shukla, Ld. Counsel for the Applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Objection filed by the respondents is taken on record.</p> <p>The Original Application has been filed with delay of 02 years, 05 months & 26 days.</p> <p>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.</p> <p>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.</p> <p>We have gone through application filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p>As such, delay caused in filing of application is condoned. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 399 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 14.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 355 of 2017

Pratap Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Prabhav Srivastava, Ld. Counsel for the Applicant and Dr. Gyan Singh, Ld. Counsel for the respondent Nos. 1 to 3 are present.</p> <p style="text-align: justify;">None appears on behalf of respondent No. 4 & 5 nor they have filed affidavit as directed by this Tribunal.</p> <p style="text-align: justify;">List on 15.12.2020 for orders.</p> <p style="text-align: justify;">On the date fixed respondent No. 5 shall appear in person and explain as to why affidavit has not been filed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

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

L/Nk Kamil Hussain Beg By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p>On the case being taken up for hearing learned counsel for the respondents submitted that Corrigendum PPO including interest therein has been generated yesterday i.e. 19.10.2020. He also submits that some time be given to him to file compliance report which is allowed.</p> <p>Let compliance report be filed within two weeks.</p> <p>List on 13.11.2020 for orders.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

M.A. No. 339 of 2016 Inre : O.A. No. (Nil) of 2016

Rati Bhan Yadav
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri VP Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p>The instant Original Application has been filed with delay of 04 years & 28 days.</p> <p>Regarding delay, submission of learned counsel for the applicant is that after dismissal from service applicant became poor and he could not arrange the expenses for filing of case. Further submission of learned counsel for the applicant is that applicant being not aware of the appropriate forum for redressal of his grievance he had earlier approached Allahabad High Court by filing Civil Misc. Writ Petition which was later dismissed as withdrawn for non jurisdiction. Thus, his submission is that delay in filing original application is not deliberate, but on account of reasons stated in affidavit filed in support of application, the same be condoned.</p> <p>Per contra, submission of learned counsel for the respondents is that there is inordinate delay in filing application and applicant has failed to give satisfactory explanation for the same, hence delay should not be condoned.</p> <p>Upon hearing the submissions of learned counsel of both sides and considering the facts and circumstances of the case, we find that grounds shown for condonation of delay are sufficient.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 401 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 18.01.2021 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 86 of 2019

Janardan Tiwari

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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri VP Pandey, Ld. Counsel for the applicant and Shri Ashok Kumar Sahu, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 517 of 2017

Rahul Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p>Learned counsel for the applicant prays for and is allowed a week time for carrying out amendment in prayer clause of Original Application.</p> <p>Let amendment be carried out within a week.</p> <p>Learned counsel for the respondents may file supplementary counter affidavit to amended portion of Original Application within two weeks.</p> <p>List on 24.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 309 of 2017

Col Vikram Chauhan
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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p>Shri Viarat Anand Singh, learned counsel for the applicant submits that applicant does not intend to file rejoinder affidavit to the counter affidavit filed by respondent No. 4</p> <p>In view of above, list on 20.01.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 383 of 2019

Hav/Clk Gurjant Singh
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 03.12.2020 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

M.A. No. 258 of 2019 Inre : O.A. No. (Nil) of 2019

Ex Sub Udai Pratap Singh By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p>The Original Application has been filed with delay of 22 years, 04 months & 11 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay caused in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay, application deserves rejection.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters does not accrue on a specific date, but it runs from month to month, and grounds stated in affidavit filed in support of delay condonation application being genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay caused in filing of application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 403 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 20.01.2021 before the Registrar Court for exchange of pleadings.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>rathore</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. (A) No 39 of 2017 with M.A. No. 1237 of 2018

Smt Sunita Singh W/O Abhishek Kumar Singh (in custody) By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: center;">Pleadings are complete.</p> <p style="text-align: center;">List on 23.11.2020 for physical hearing.</p> <p style="text-align: justify;">On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

T.A. No. 16 of 2016

Ashutosh Singh

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri JN Mishra, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on 01.02.2021 for final hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 141 of 2012

Smt Rekha By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>20.10.2020</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Nishant Verma, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: justify;">Pleadings are complete and the case is ripe for hearing. List on 02.02.2021 for final hearing.</p> <p style="text-align: justify;">On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench.</p> <table style="width: 100%; border: none; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>rathore</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
O.A. No. 176 of 2020 with M.A. No 212 of 2020

Gnr (DMT) Manpreet Singh
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Ashok Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">Applicant has filed the instant Original Application against order dated 30.07.2020 of Respondent No 3 by which applicant has been directed to be discharged from service w.e.f. 31.12.2020 before completing normal tenure of 15 years of military service.</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that applicant had filed a statutory complaint dated 23.06.2020 before the Chief of Army Staff (COAS) against impugned show cause notice dated 17.12.2019 which is still under consideration. Further submission of learned counsel for the applicant is that applicant has filed an appeal dated 10.08.2020 before the COAS against order dated 30.07.2020 of Respondent No. 3 which is also still under consideration, but as respondents are going to discharge applicant pending aforesaid representations before allowing him to complete normal tenure of 15 years of military service w.e.f. 31.12.2020, instant appeal has been filed.</p> <p style="text-align: center;">Considering the facts and circumstances of the case, we find that O.A. requires adjudication.</p> <p style="text-align: center;">O.A. is, therefore, admitted for hearing and respondents are directed to file counter affidavit by the next date fixed.</p> <p style="text-align: center;">Applicant has also sought an interim relief in the O.A. restraining respondents to give effect to the impugned discharge order.</p> <p style="text-align: center;">Considering urgency of the matter, respondents may file objection, if any, against the prayer of interim relief within two weeks positively.</p> <p style="text-align: center;">Reply to objection, if any, may be filed within a week next thereafter.</p> <p style="text-align: center;">List on 26.11.2020 for hearing on interim relief.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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
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>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>O.A. No 586 of 2018, Ex Nk Lekhraj Singh vs. Union of India and Others is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No. 540 of 2019 with M.A. No. 2004 of 2018

Ex Hav (Hony Nb Sub) Sodan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p style="text-align:center">Order is reserved.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

R.A. No. 10 of 2020 with M.A. No. 265 of 2020
Inre O.A. No. 137 of 2017

Union of India & Others
By Legal Practitioner for the Applicants

Applicant-Respondents

Versus

Awadhesh Kumar Pandey
By Legal Practitioner for Respondent

Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Namit Sharma, Ld. Counsel for the Applicant-respondents assisted by Maj Sini Thomas, Departmental Representative and Shri Yashpal Singh, Ld. Counsel for the respondent-applicant.</p> <p>The applicant-respondents has filed this Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 alongwith application for condonation of delay (M.A. No. 265 of 2020) whereby the applicant-respondents has prayed for review and setting aside of the judgement and order dated 16.01.2018 passed by this Tribunal in O.A No. 137 of 2017, by means of which this Court had directed that "<i>applicant is entitled to disability at the rate of 20% which on being rounded off would come to 50% w.e.f. 01.01.1996. The applicant shall be paid the disability pension at the rate of 50% from 01.01.1996.</i>"</p> <p>As per registry, the application is delayed by 02 years, 04 months & 12 days. Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 postulates that no application shall be entertained beyond the period of thirty days from the date of receipt of copy of the order sought to be reviewed. Review Application No. 10 of 2020 seeks review of the judgment and order dated 16.01.2018 passed in O.A. No. 137 of 2017 by the Bench comprising of (Hon'ble Mr. Justice Devi Prasad Singh, Member (J) (since retired) and Hon'ble Air Marshal BBP Sinha, Member (A) (since transferred to AFT, Principal Bench). Admittedly, the Review Application has been filed beyond the period of 30 days, as such, it is not entertainable.</p> <p>We have gone through the grounds and reasons indicated in the affidavit filed in support of the application for condonation of delay. In our considered opinion, the grounds urged in support of the application do not appear to be germane; rather they are casual in nature and each day's delay has not been explained. The application for condonation of delay (M.A. No. 265 of 2020), therefore, has no force.</p>

That apart, it is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure is reproduced below :-

"1. Application for review of judgment.- (1) any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record , or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."

In view of the principles of law laid down by the Hon'ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon'ble Supreme Court in Para 9 of its judgment in the case of ***Parsion Devi and others vs. Sumitri Devi and others***, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

"9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self- evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

We have also gone through the judgment and order sought to be reviewed and the Review Application, which is time-barred. Even from the grounds taken therein, no illegality or irregularity or error apparent on the face of record has been shown to us so as to review the aforesaid judgment of this Court. We are of the considered view that there is no error apparent on the face of record in the impugned judgment and order dated 16.01.2018, which may be corrected/reviewed in exercise of review jurisdiction.

Accordingly, the application for condonation of delay (M.A. No. 265 of 2020) as well as Review Application No. 10 of 2020 are hereby **rejected**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

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

R.A. No. 8 of 2020 with M.A. No. 211 of 2020
Inre O.A. No. 627 of 2017

Union of India & Others
By Legal Practitioner for the Applicants

Applicant-Respondents

Versus

Ex Nk Satya Kumar Pandey
By Legal Practitioner for Respondent

Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>20.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Ms. Appoli Srivastava, Ld. Counsel for the Applicant-respondents assisted by Maj Sini Thomas, Departmental Representative and Shri Virat Anand Singh, Ld. Counsel for the respondent-applicant.</p> <p>The applicant-respondents has filed this Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 alongwith application for condonation of delay (M.A. No. 211 of 2020) whereby the applicant-respondents has prayed "<i>that the order passed by the hon'ble court on 27.04.2018 in O.A No. 627 of 2017 may kindly be reviewed or any other orders be passed in the circumstances of the case</i>", by means of which this Court had directed that "<i>applicant is eligible for disability element of pension @ 20% for two years after the date of discharge. Thereafter the disability of the applicant is assessed as 11-14% for life which in terms of the aforesaid decision would stand rounded off to 50% for life. The arrears of disability pension shall be paid for first 02 years after discharge and thereafter w.e.f. last three years of filing this O.A.</i>"</p> <p>As per registry, the application is delayed by 01 year, 06 months & 29 days. Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 postulates that no application shall be entertained beyond the period of thirty days from the date of receipt of copy of the order sought to be reviewed. Review Application No. 8 of 2020 seeks review of the judgment and order dated 27.04.2018 passed in O.A. No. 627 of 2017 by the Bench comprising of (Hon'ble Mr. Justice S.V.S. Rathore, Member (J) (since retired) and Hon'ble Air Marshal BBP Sinha, Member (A) (since transferred to AFT, Principal Bench). Admittedly, the Review Application has been filed beyond the period of 30 days, as such, it is not entertainable.</p> <p>We have gone through the grounds and reasons indicated in the affidavit filed in support of the application for condonation of delay. In our considered opinion, the grounds urged in support of the application do not</p>

appear to be germane; rather they are casual in nature and each day's delay has not been explained. The application for condonation of delay (M.A. No. 265 of 2020), therefore, has no force.

That apart, it is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure is reproduced below :-

"1. Application for review of judgment.- (1) any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."

In view of the principles of law laid down by the Hon'ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon'ble Supreme Court in Para 9 of its judgment in the case of ***Parsion Devi and others vs. Sumitri Devi and others***, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

"9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

We have also gone through the judgment and order sought to be reviewed and the Review Application, which is time-barred. Even from the grounds taken therein, no illegality or irregularity or error apparent on the face of record has been shown to us so as to review the aforesaid judgment of this Court. We are of the considered view that there is no error apparent on the face of record in the impugned judgment and order dated 27.04.2018, which may be corrected/reviewed in exercise of review jurisdiction.

Accordingly, the application for condonation of delay (M.A. No. 211 of 2020) as well as Review Application No. 8 of 2020 are hereby **rejected**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

