

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

Ex. A. No. 30 of 2018 Inre : O.A. No. 119 of 2017

Smt. Rajwati 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>22.10.2020</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 Angrej Nath Shukla, Advocate, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Advocate, Ld. Counsel for the respondents are present.</p> <p>In para 2 (iii) of the affidavit of compliance it is stated that last board for compassionate appointment was held on 03.08.2017 for waitlisted candidates' upto 31.12.2016 and, thereafter, no vacancy has been received. In sub-para (iv) of the said para it is stated that no vacancy for compassionate appointment has been released by the AG's branch since 07.11.2017.</p> <p>Regarding above, applicant has filed Rejoinder Affidavit stating therein that contents of paragraph 2(iii) and (iv) of the affidavit are incorrect. Applicant has also stated that respondents have filed false affidavit by mentioning that last board for compassionate appointment was held on 03.08.2017 for waitlisted candidates upto 31.12.2016 and, thereafter, no vacancy has been received to this office. Applicant has also enclosed proceedings of Board of Officers for grant of Compassionate Appointment as Annexure RA-2 to the Rejoinder Affidavit which speaks that during the period 01.04.2017 to 30.04.2018 a total of 117 vacancies of direct recruitment had been reported in Group 'C'(including erstwhile Group 'D'), in Infantry Regimental Centre and Infantry Records Offices and out of that six vacancies were earmarked as vacancies for Compassionate appointment. It also speaks that against above six vacancies earmarked for compassionate appointment a total of 618 applications duly completed in respect of dependents of both combatants and civilians were enlisted for Board of Officers and</p>

considering the economic distress cum merit/availability of vacancy as per criteria for selection laid down by DOP & T and Ministry of Defence six persons were appointed, detailed in the proceedings.

This shows that affidavit of compliance filed by the respondents is, prima facie, incorrect and needs to be clarified by the respondents.

List on **12.11.2020** on which date Col. R. Thapaliyal, Col. (Pers), Chief Engineer, Central Command, Lucknow, who has sworn compliance affidavit, shall file affidavit explaining therein the aforesaid contradictions. He shall also remain present in person in Tribunal on that date to clarify and answer the queries.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/

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

M.A. No. 1918 of 2018 Inre : O.A. No. (Nil) of 2018

Sep. Avnish Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the applicant list on 25.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p><small>AKD/UKT/-</small></p>

Form No. 4
{See rule 11(1)}
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Court No.1 (E. Court)

Ex. A. No. 67 of 2018 inre : T.A. No. 573 of 2010

Satyendra Prasad
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>22.10.2020</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 Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align:justify">Ld. Counsel for the applicant admits that order in execution has been fully complied with.</p> <p style="text-align:justify">In view of above, Execution Application is dismissed in full and final satisfaction.</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. 303 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sub. Sarvesh 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>22.10.2020</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. B.P. Singh (Retd.), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 07 months and 24 days.</p> <p style="text-align: center;">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 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 application is condoned. Application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 423 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 08.01.2021 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
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

M.A. No. 1972 of 2018 with M.A. No. 291 of 2020 Inre : O.A. (A) No. (Nil) of 2018

Ex. Spr. Devesh Singh Bhadauriya
By Legal Practitioner for the Appellant

Appellant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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 appellant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application (Appeal) is set to have been filed with delay of 02 years, 03 months and 23 days.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the appellant the appellant died on 27.07.2020. It is further submitted that appellant's wife has made application dated 18.01.2020 seeking substitution of her name in place of her husband in the Original Application (Appeal) which should be allowed.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that she has to verify regarding death of the appellant and for that some time be given to her.</p> <p style="text-align: center;">Considering that appellant has died on 27.07.2020 and application for substitution on behalf of his wife has been made on 18.10.2020 i.e. well within ninety days, application deserves to be allowed.</p> <p style="text-align: center;">Accordingly, substitution application is allowed.</p> <p style="text-align: center;">Let substitution be made forthwith.</p> <p><u>O.A. (A) No. 422 of 2020</u></p> <p style="text-align: center;">The instant Original Application (Appeal) has been filed under Section 15 of the Armed Forces Tribunal Act, 2007 against the order dated 09.02.2016 of Court Martial by which appellant has been dismissed from service.</p> <p style="text-align: center;">Regarding limitation, submission of the Ld. Counsel for the appellant is that appellant had made representation against the order of dismissal on 06.05.2018 which was disposed of on 18.06.2018. His further submission is that instant Original Application (Appeal) has been filed within six months from the date of rejection of appellant's representation and therefore it is on time.</p> <p style="text-align: center;">In view of above, we hold that Original Application (Appeal) being filed within six months from the date appellant's representation being decided, is filed within time and needs to be admitted. Accordingly, Original Application (Appeal) is admitted.</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.

List this case on **08.01.2021** before the Registrar Court for exchange of pleadings.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/UKT/-

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

O.A. No. 125 of 2019

Pradeep 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>22.10.2020</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 Dharam Raj Singh, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p>Despite sufficient opportunities the applicant has not filed Rejoinder Affidavit, hence, opportunity to file the Rejoinder Affidavit is closed.</p> <p>List on 13.01.2021 for final hearing.</p> <p>On the date fixed Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/UKT/-</p>

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

Ex. A. No. 51 of 2018 Inre : O.A. No. 169 of 2011

Lt. Col. Lokesh Kandpal 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>22.10.2020</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">Heard Dr. Ashish Asthana and Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents assisted by Maj. Sini Thomas, Departmental Representative.</p> <p style="text-align:justify">During the course of hearing Ld. Counsel for the applicant submitted that a short date may be given to him to inform the Tribunal about the steps to be taken by the applicant in the light of outcome of the inquiry.</p> <p style="text-align:justify">List on 05.11.2020 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>

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Court No.1 (E. Court)

Ex. A. No. 86 of 2018 Inre : T.A. No. 595 of 2010

Vijay Keshav Singh
In Person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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 Anurag Mishra, Ld. Counsel for the respondents is present.</p> <p>Ld. Counsel for the respondents prays for and is allowed four weeks time to file compliance report.</p> <p>List on 25.11.2020 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>

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Court No.1 (E. Court)

Ex. A. No. 56 of 2019 Inre : O.A. No. 239 of 2012

Hav./Clk. Ram Roop Singh 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>22.10.2020</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 Asheesh Agnihotri, Ld. Counsel for the respondents is present.</p> <p>Connect with Review Application No. 61 of 2019.</p> <p>List on 12.11.2020 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>

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Ex. A. No. 75 of 2018 Inre : T.A. No. 1366 of 2010

Kamal Singh Rautela
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>22.10.2020</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 K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that in compliance of order in execution Pension Payment Order has been generated. He further submits that that two weeks time may be granted to file compliance report.</p> <p>Let compliance report be filed within two weeks.</p> <p>Thereafter, objection, if any, against compliance report may be filed within two weeks.</p> <p>List on 01.12.2020 for orders.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/UKT/-</p>

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M.A. No. 1344 of 2018 Inre : O.A. No. 39 of 2018

Vijay Narayan
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>22.10.2020</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 K.K. Singh Bisht, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Ld. Counsel for the respondents submitted that in compliance of order dated 09.01.2018 Pension Payment Order has been generated. He further submits that two weeks time may be granted to file compliance report.</p> <p style="text-align: justify;">Let compliance report be filed within two weeks.</p> <p style="text-align: justify;">Objection, if any, may be filed within two weeks next thereafter.</p> <p style="text-align: justify;">List on 24.11.2020 for orders.</p> <p style="text-align: justify;">(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)

Ex. A. No. 3 of 2018 Inre : T.A. No. 1402 of 2010

Anurag 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>22.10.2020</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 K.K. Misra, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>In compliance of order in execution Ld. Counsel for the respondents submits that amount has been sanctioned vide letter dated 06.08.2020 and Pension Payment order is likely to be generated very soon. He seeks and is allowed four weeks time to file compliance report annexing therewith copy of Pension Payment Order.</p> <p>Connect with concerned Review Application.</p> <p>List on 03.11.2020 for orders.</p> <table border="0" style="width: 100%;"><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>	(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)		

AKD/UKT/-

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

Ex. A. No. 56 of 2018 Inre : O.A. No. 303 of 2016

Rajiv Tondon 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>22.10.2020</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 K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Compliance report filed by the respondents is taken on record.</p> <p>Objection, if any, may be filed within two weeks.</p> <p>List on 02.12.2020 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>

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Ex. A. No. 16 of 2020 Inre : O.A. No. 152 of 2019

Ex. Hav. Jaggan 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>22.10.2020</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 K.K. Misra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Compliance report filed by the respondents is taken on record.</p> <p style="text-align: center;">Objection, if any, may be filed within two weeks.</p> <p style="text-align: center;">List on 02.12.2020 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)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

M.A. No. 1422 of 2018 Inre : O.A. No. (Nil) of 2018

Ex. Hony. Nb. Sub. Ram Gobind 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>22.10.2020</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 Parijaat Belaura, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 12 years, 08 months and 13 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. 426 of 2020</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Heard.</p> <p style="text-align: center;">Order is reserved.</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 style="text-align: left;">AKD/UKT/-</p>

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

M.A. No. 49 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Debi Dayal
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>22.10.2020</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 Parijaat Belaura, 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 09 years and 25 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. 425 of 2020</u></p> <p style="text-align: center;">Heard.</p> <p style="text-align: center;">Oder is reserved.</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. 531 of 2018

No. JC-97809-P, Ex. Sub. (Clk) & Hony. Sub. Maj. Jai Narayan 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>22.10.2020</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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">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:-</p> <p style="text-align: center;">(I) <i>To set a side order dated 02.01.2018 having being passed with out application of mind.</i></p> <p style="text-align: center;">(II) <i>To round off the disability pension from 30/% 5o 50% as per GOI, MoD letter dated 31.01.2001 w.e.f. 01.01.1996.</i></p> <p style="text-align: center;">(III) <i>To pay arrear of difference of disability pension along with 12% interest from 01.01.2006 till it is actually paid.</i></p> <p style="text-align: center;">(IV) <i>Any other suitable relief this Hon'ble Court deems fit and proper may also be granted.</i></p> <p>Briefly stated facts of the case are that the applicant was enrolled in Indian Army (11 Gorkha Rifles) on 17.02.1961 and was discharged on 28.02.1989 in low medical category on completion of terms of engagement. The Release Medical Board (RMB) identified his disability as 'CHRONIC RELAPSING PANCREATIAIS (577)' and assessed it @ 30 % for initially for two years, thereafter for ten years. Re-Survey medical Board held on 09.02.2003 assessed his disability @30% for life. The applicant was granted normal and disability pension @ 30%. Accordingly, P.P.O.s were issued by the Principal Controller of Defence Account (Pension), Allahabad on 28.06.1990, 8.03.1991, 24.10.2000 and May, 2003. The applicant preferred an application for benefit of rounding off disability pension from 30% to 50%, which was denied by the respondents vide order 02.01.2018. Presently the applicant is in receipt of 30% disability pension for life and has moved this Original Application for the benefit of rounding off of disability element.</p> <p>Ld. Counsel for the applicant argued that since the applicant is already in receipt of 30% disability element for life therefore in view of judgment in O.A.</p>

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 30% 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 30% disability element for life. This fact has also been accepted by the respondents and is also clearly indicated by the P.P.O.s attached at page 20 of the Original Application and Annexure Nos. 2, 3 and 4 of the Counter Affidavit. 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 12.11.2018, 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 @ 0% 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. 531 of 2018 deserves to be allowed, hence allowed. The impugned order 02.01.2018 enclosed at page 13 of the Original Application, is set aside. The applicant is entitled to the benefit of rounding off of disability element from 30% 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 12.07.2018. 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/

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

M.A. No. 290 of 2020 Inre O.A. No. (Nil) of 2020

Ex Rect Janardan Vishwakarma
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>22.10.2020</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. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing, Shri R.K.R. Sharma, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>List on 08.01.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

Ex-A/43 of 2018 Inre M.A. No. 972 of 2017

Shailesh Mishra 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>22.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Present : Dr. Gyan Singh, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">On the case being taken up for hearing none is present on behalf of the applicant to present his cause. In the interest of justice, the case is adjourned for the day.</p> <p style="text-align: center;">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/sb</p>

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

Ex-A/10 of 2019 Inre O.A. No. 150 of 2018

Hony Nb Sub Indra Mani Ram
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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. Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, is present.</p> <p>Learned counsel for the respondents prays for and is allowed two weeks time to file affidavit stating therein the details of actions taken by the respondents.</p> <p>List on 26.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

Ex-A/69 of 2018 Inre T.A. No. 1420 of 2017

Jai Ram Pal By Legal Practitioner for the Petitioner	Versus	Petitioner
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p>Learned counsel for the respondents submitted that order under execution has been fully complied with.</p> <p>As regards Rs. 10,000/- as cost imposed upon the respondents by order dated 12.11.2018 of this Tribunal, counsel for the respondents seeks and is allowed two weeks time to deposit the cost.</p> <p>List on 04.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

Ex-A/178 of 2018 Inre O.A. No. 342 of 2017

Ex Hav Kali Sahai
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>22.10.2020</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, learned counsel for the applicant and Mrs Amrita Chakraborty, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri A.B. Tiwari, Advocate holding brief of Shri Anil Kumar Jaiswal, learned counsel for respondent No. 6 submits that Shri Anil Kumar Jaiswal, Advocate is not feeling well today, as such, list this matter on 07.12.2020.</p> <p>On the date fixed, Bank Manager will be present in person to assist the Court.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

O.A. No. 2 of 2020

Ex Hav Awdhesh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the Respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p>As prayed by learned counsel for the applicant, list on 02.11.2020 for physical hearing at 1430 hours.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

Ex-A/54 of 2019 Inre T.A. No. 623 of 2010

Smt Shalini Mishra W/O (Late) Sep Ajai Kumar Mishra By Legal Practitioner for the Petitioner	Versus	Petitioner
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
Notes of the Registry	<p><u>22.10.2020</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 petitioner. Shri Anurag Mishra, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, is present. Learned counsel for AGIF Scheme is also present.</p> <p>Learned counsel for the respondents submitted that order under execution has been fully complied with. He further submits that two weeks time be given to file compliance report which is allowed.</p> <p>Let compliance report be filed within two weeks.</p> <p>List on 14.12.2020 for orders.</p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore/sb</p>

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

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

Ex Sep Singh Pratik Ravindra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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. Shri Kaushik Chatterjee, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, is present.</p> <p>List on 16.12.2020 for orders.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

M.A. No. 1773 of 2018 Inre O.A. (Nil) of 2018

Ex Hav (Hony Nb Sub) Ram Din Nirmal
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>22.10.2020</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 Rakesh Kumar Yadav, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>The Original Application has been filed with delay of 08 years, 09 months & 28 days.</p> <p>Submission of learned counsel for the applicant is that it is 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.</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. 431 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Heard learned counsel for both the parties.</p> <p>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/sb</p>

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

Ex-A/60 of 2018 Inre O.A. No. 262 of 2012

Mahesh Singh 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>22.10.2020</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 Ravi Prakash Yadav, Advocate holding brief of Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, are present.</p> <p style="text-align: justify;">Shri Ravi Prakash Yadav, Advocate holding brief of Shri Shailendra Kumar Singh, learned counsel for the applicant submits that order under execution has been partly complied with and applicant needs time to file objection against that.</p> <p style="text-align: justify;">Let objection be filed within two weeks.</p> <p style="text-align: justify;">List on 18.12.2020 for orders.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore/sb</p>

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

Ex-A/26 of 2018 Inre T.A. No. 178 of 2009

Sriram Pandey
By Legal Practitioner for the Petitioner

Petitioner

Versus

Defence Secretary, Ministry
Of Defence, Govt of India
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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, Learned counsel for the petitioner and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>Specific direction was issued to respondents to file compliance report of order dated 14.12.2018 of this Tribunal. However, counsel for the applicant submits that complete compliance report has not been filed.</p> <p>Learned counsel for the respondents seeks and is allowed two weeks time to explain why complete compliance report could not be filed.</p> <p>List on 14.12.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

Ex-A/188 of 2018 Inre O.A. No. 366 of 2017

Nandji Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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 SK Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Shri Rajeev Kumar Tiwari is also present on behalf of PCDA (Pension) Prayagraj and he submits that in compliance of order passed by this Tribunal not only PPO has been generated but Rs. 31, 39, 434/- has also been paid in account of the applicant. He further submits that Rs. 25,284/- are being regularly credited in the applicant's account towards pension. This shows that order under execution has been fully complied with.</p> <p>Accordingly, application is dismissed in full and final satisfaction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

M.A. No. 129 of 2019 Inre O.A. (Nil) of 2019

Ex Hav (Hony Nb Sub) Hardeep 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>22.10.2020</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 VP Pandey, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>The Original Application has been filed with delay of 09 years, 01 month & 04 days.</p> <p>Submission of learned counsel for the applicant is that it is 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.</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. 427 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Heard learned counsel for both the parties.</p> <p>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/sb</p>

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

O.A. No. 274 of 2019

Barneswar Roy 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>22.10.2020</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 VP Pandey, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Despite several opportunities being given to the applicant to file rejoinder affidavit, the same has not been filed as yet and therefore, opportunity to file the same is closed.</p> <p>Heard.</p> <p>Order is reserved.</p> <p style="display: flex; justify-content: space-around;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore/sb</p>

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

Ex-A/76 of 2018 Inre T.A. No. 81 of 2016

Sharawan Kumar Singh & Others Petitioners
 By Legal Practitioner for the Petitioners

Versus

Union of India & Others Respondents
 By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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 petitioners. Shri Namit Sharma, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, is present.</p> <p>Counsel for the respondents submits that PPO has been generated on 22.08.2019 and copy has been sent to Bank concerned for necessary action.</p> <p>Respondents are directed to file compliance report within two weeks.</p> <p>Objection, if any, against compliance report may be filed within two weeks next thereafter.</p> <p>List on 14.12.2020 for orders.</p> <div style="display: flex; justify-content: space-between; 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>rathore/sb</p>

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

M.A. No. 442 of 2019 Inre O.A. (Nil) of 2019

Smt Sushila Tripathi
W/O Ex Cpl Ramdhan Tripathi & another
 By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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 applicants. Shri DK Pandey, learned counsel for the respondents is present.</p> <p>There is a delay of 02 years, 03 months & 16 days in filing of Original Application.</p> <p>With regard to delay, it is submitted in affidavit filed in support of application for condonation of delay that applicant's husband being mentally disable, applicant could not approach appropriate forum for redressal of her grievances. It is further stated therein that she made several efforts in the matter but no fruitful result could come out. It is also stated therein that applicant is suffering from Sugar and Blood Pressure and has liabilities of two daughters and a son on account of which she could not file application on time.</p> <p>Learned counsel for the respondents has vehemently opposed on saying that this is a second Original Application filed by the applicant. It is also submitted on behalf of the respondents that grounds stated in affidavit for not filing Original Application on time are not sufficient as delay has not been explained on day to day basis.</p> <p>Considering the facts and circumstances of the case and also that applicant is a lady having liability of her two children, we find that reasons stated in affidavit 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. 430 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 14.01.2020 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>rathore/sb</p>

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

Ex-A/149 of 2018 Inre T.A. No. 86 of 2013

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

Notes of the Registry	Orders of the Tribunal		
	<p><u>22.10.2020</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 petitioner. Shri Amit Jaiswal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative, is present.</p> <p>Compliance report filed by the respondents is taken on record.</p> <p>No objection has been filed against compliance report nor steps have been taken regarding impleadment of PDA. This shows that applicant is not interest in prosecution of Execution Application.</p> <p>Accordingly, Execution Application is dismissed for non prosecution.</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/sb</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

Dy No. 2092 of 2019 Inre O.A. (Nil) of 2019

Ex Sep Pankaj Kumar Rai 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>22.10.2020</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 Vinay Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p style="text-align: justify;">Learned counsel for the applicant submits that applicant has removed the defects as pointed out by the registry.</p> <p style="text-align: justify;">There is delay of 19 years, 11 months & 18 days in filing Original Application.</p> <p style="text-align: justify;">Learned counsel for the respondents seeks and is allowed four weeks time to file objection against application for condonation of delay.</p> <p style="text-align: justify;">Reply, if any, may be filed within two weeks next thereafter.</p> <p style="text-align: justify;">List on 14.12.2020 for orders.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

M.A. No. 284 of 2019 Inre O.A. (Nil) of 2019

Ex Hav (Hony Nb Sub) Khem Raj 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>22.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing, Shri Virendra Kumar Gupta, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>The Original Application has been filed with delay of 09 years, 03 months & 12 days.</p> <p>Submission of learned counsel for the applicant is that it is 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.</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. 428 of 2020</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Heard learned counsel for both the parties.</p> <p>Order is reserved.</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/sb</p>

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

O.A. No. 197 of 2020 with M.A. No. 247 of 2020
and M.A. No. 196 of 2020

Ex Sub Maj (Religious Teacher)
Ran 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>22.10.2020</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, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative are present.</p> <p>Objection against delay condonation application filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant prays that he intends to withdraw the Original Application.</p> <p>As prayed, Original Application is dismissed as withdrawn.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore/sb</p>

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

O.A. No. 514 of 2017

Ashish Kumar Maharia 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>22.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing, Shri Rohit Kumar, learned counsel for the applicant and Shri Sunil Sharma, learned 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 25.02.2021 for final hearing.</p> <p>On the date fixed, Learned 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>rathore/sb</p>

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

O.A. No. 498 of 2017

Smt Kavita Devi

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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 KK Misra, learned counsel for the applicant and Shri Virendra Singh, learned 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 14.02.2021 for final hearing.</p> <p>On the date fixed, Learned 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>rathore/sb</p>

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

O.A. No. 264 of 2018

Smt Vinita 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>22.10.2020</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 SK Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned 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 25.01.2021 for final hearing.</p> <p>On the date fixed, Learned 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>rathore/sb</p>

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

O.A. No. 214 of 2018

Dilip 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>22.10.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing, Shri Virendra Kumar Gupta, learned counsel for the applicant and Shri Amit Jaiswal, learned 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 29.01.2021 for final hearing.</p> <p>On the date fixed, Learned 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>rathore/sb</p>

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

O.A. No. 472 of 2017

Dilip Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.10.2020</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 VK Pandey, learned counsel for the applicant and Shri Amit Jaiswal, learned 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.</p> <p style="text-align: justify;">List on 29.01.2021 for final hearing.</p> <p style="text-align: justify;">On the date fixed, Learned 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>rathore/sb</p>

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

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

M.A. No 287 of 2020 alongwith O.A. No. 63 of 2019

Padmakar Dubey
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>22.10.2020 <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u> <u>M.A. No 287 of 2020</u></p> <p>Heard Shri Pankaj Kumar Shukla, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents on amendment application.</p> <p>The instant amendment application has been filed by the applicant in support of his Original Application which has been filed for the grant of second service pension. The applicant filed representation dated 06.12.2017 to the respondents for condoning the short fall in qualifying service for grant of second service pension which was rejected on 29.12.2017 saying second service pension was not applicable to him due to deficiency in qualifying serving. By means of this amendment application, applicant wants to amend the prayer clause to the extent that impugned order rejecting the short fall in qualifying service for grant of second service pension be rejected.</p> <p>Learned counsel for the respondents has vehemently opposed and argued that application being misconceived should be dismissed as amendment sought should be mentioned in application itself, amendment can not be permitted as per accompanying affidavit.</p> <p>We have perused the amendment application and find that amendment sought to be made in prayer clause being not mentioned in application itself, application is misconceived. However, considering that amendment sought is related to prayer clause and relevant and necessary for the disposal of O.A., we feel it necessary to allow the amendment.</p> <p>Accordingly, we allow the amendment application and direct applicant to amend prayer clause in O.A. during course of the day.</p> <p><u>O.A. No. 63 of 2019</u></p> <p>Heard learned counsel for the parties of both sides.</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>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>

