

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

M.A. No. 725 of 2019 with M.A. No. 805 of 2019 Inre : O.A. (A) No. (Nil) of 2019

Ex. Sigm. Demudu Babu Cheepurupalli
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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the appellant.</p> <p>Shri Amit Jaiswal, Ld. Counsel for the respondents is present.</p> <p>Ld. Counsel for the respondents submits that he has no objection against amendment application.</p> <p>Accordingly, amendment application is allowed.</p> <p>Let amendment be carried out within a week.</p> <p><u>O.A. (A) No. 236 of 2020</u></p> <p>Heard.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 02.12.2020 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. 67 of 2015

Mohd. Soharab
 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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. B.P. Singh (Retd.), Ld. Counsel for the applicant and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents assisted by respondents' representative Major Sini Thomas from the Legal Cell are present.</p> <p>This Original Application was admitted for hearing on 20.03.2015 and respondents were asked to file Counter Affidavit within six weeks. However, instead filing Counter Affidavit respondents kept seeking time on each and every date on silly reasons. Today again they are seeking time for filing Counter Affidavit saying since earlier to this Original Application applicant had filed one more application on the same cause of action, and in the said application respondents had filed Counter Affidavit, it could not be occasioned to him to file present application.</p> <p>The reason assigned by the respondents for not filing Counter Affidavit for such a long time of more than five and half years is highly deplorable and respondents are warned taking such plea any further.</p> <p>Although circumstances do not permit any time to be granted further to the respondents for filing Counter Affidavit, however, considering to decide the application on merit, we think proper to provide one more opportunity, as a last chance.</p> <p>Accordingly, as a last chance, respondents are granted two weeks time to file Counter Affidavit on payment of Rs.10,000/- as cost.</p> <p>Rejoinder Affidavit may be filed within two weeks thereafter.</p> <p>In the event of Counter Affidavit being not filed within the given time then not only the opportunity of filing the same will stand closed without any further reference but the matter shall also be reported to the Chief of the Army Staff.</p> <p style="text-align: center;">List on 04.12.2020 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p>

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

O.A. No. 267 of 2013

Smt Gomti Devi wife of Late Kitab Singh (Deceased)
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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>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 respondent No. 1 are present.</p> <p>None is present on behalf of respondent Nos. 2 and 3.</p> <p>Shri Namit Sharma, Advocate submits that copy of detailed Counter Affidavit filed by respondent Nos. 2 and 3 being not available with him today, he is not able to argue the case. He requested to fix this case on coming Monday i.e. 28.09.2020 as first case.</p> <p>As prayed, list on 28.09.2020 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. 38 of 2020 Inre : O.A. (A) No. (Nil) of 2020

Ex. Nk. Subhash Singh
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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>Objection against delay condonation application filed by the respondents is taken on record.</p> <p>Ld. Counsel for the applicant submits that he does not intend to file reply to the objection. He further submits that applicant intends to amend the prayer clause as Statutory Petition, applicant had preferred against the punishment of summary court martial, has been disposed of during pendency of Original Application. He prays for two weeks time to take steps to amend prayer clause which is allowed.</p> <p>List on 24.11.2020 before the Registrar Court.</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. 619 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sep./NA Joseph John Menezes
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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents on delay condonation application.</p> <p style="text-align: center;">The Original Application has been filed with delay of ten years and twenty four days. Regarding delay the submission of the Ld. Counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that applicant has explained the delay in affidavit filed in support of application and, in view of this, delay is liable to be condoned.</p> <p style="text-align: center;">Ld. Counsel for the respondents has vehemently opposed the prayer saying there being inordinate delay in filing the Original Application and explanation for day to day delay offered by the applicant being not sufficient, application should be dismissed.</p> <p style="text-align: center;">Undisputedly, it is a pensionary matter in which cause of action does not accrue on a fixed date. The matter being a case of continuing wrong, cause of action accrues from month to month. Considering this aspect and explanation of delay offered by the applicant, being sufficient, as seems, delay deserves to be condoned.</p> <p style="text-align: center;">In the result, delay condonation application is allowed.</p> <p style="text-align: center;">Let the Original Application be registered.</p> <p><u>O.A. No. 237 of 2020</u></p> <p style="text-align: center;">Heard. Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List this case on 04.12.2020 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 style="text-align: left;">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. 165 of 2019

Ex. Hav. Umesh Chandra
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>24.09.2020</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R.N. Tripathi, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>No Rejoinder Affidavit has been filed by the applicant nor time sought for filing the same and, hence, opportunity to file the same is closed.</p> <p>List on 05.01.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>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. 77 of 2016

Brig. S.K. Sharma (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri S.S. Rajawat, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondent Nos. 1 to 3 are present.</p> <p>The Original Application has been filed for issuing direction to respondents to reinstate applicant to the rank of Major General with all consequential benefits with retrospective effect against the vacancy illegally occupied by respondent No. 4 in terms of order dated 17.02.2016.</p> <p>Sri Sunil Sharma, learned respondents counsel submitted that relief claimed in the Original Application is based on the order dated 17.02.2016 of this Tribunal passed in Review Application No. 19 of 2015 in Original Application No. 255 of 2012, Brig. N.K. Mehta Versus Union of India and Others. Shri Sharma further submitted that against the order dated 17.02.2016 of this Tribunal respondent Nos. 1 to 3 have filed Civil Appeal Diary (S) No. 18239 of 2016, Union of India and Others Versus Brig. N.K. Mehta, VSM and Others, in the Hon'ble Supreme Court and in the said appeal the Hon'ble Supreme Court vide its order dated 30.05.2016 has stayed the operation of the order of this Tribunal. Thus, he submitted that fate of this Original Application fully hinges on the final decision of the Hon'ble Supreme Court to be taken in the above mentioned Civil Appeal Diary. He further submitted that in view of the facts stated herein above, hearing in the Original Application be kept in abeyance till the final decision of the Hon'ble Supreme Court in Civil Appeal Diary(s) No. 18239 of 2016, else purpose of filing appeal would be frustrated.</p> <p>Ld. Counsel for the applicant does not dispute that fate of Original Application hinges on the decision in the Civil appeal pending in the Hon'ble Supreme Court.</p> <p>In view of above, list on 15.01.2021 on which date respondents shall file affidavit regarding current status of the Civil Appeal.</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)

O.A. No. 85 of 2019 with M.A. No. 362 of 2019
along with O.A. No. 64 of 2014 (Decided)

Ex. Nb. Sub. Ram Prasad
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Mohd. Zafar Khan, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Objection filed by the respondents against amendment application is taken on record.</p> <p style="text-align: center;">Ld. Counsel for the applicant prays for and, as a last chance, is granted two weeks time to file reply to the objection.</p> <p style="text-align: center;">List on 11.11.2020 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><small>AKD/UKT/-</small></p>

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

O.A. No. 209 of 2017

Upendra 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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondent Nos. 1 to 6 are present.</p> <p>Service of notice upon respondent No. 7 has already been held sufficient vide order dated 16.05.2019 of this Tribunal.</p> <p>Respondent No. 7 has not put in appearance, Original Application shall proceed exparte against him.</p> <p>As regards applicant and rest of the respondents pleadings have been exchanged between the parties and the case is ripe for hearing.</p> <p>List on 05.01.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>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. 182 of 2016

Lt. Col. Manish 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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. Y.R. Sharma (Retd.), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Pleadings have been exchanged between the parties and the case is ripe for hearing.</p> <p>List on 06.01.2021 for final hearing.</p> <p>On the date fixed representative from M.S. Branch, Army Headquarters shall remain present.</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. 426 of 2018

Ex. Hav. Gurusaran 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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Pleadings have been exchanged between the parties and the case is ripe for hearing.</p> <p>List on 07.01.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>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. 521 of 2019

Ex. Nk. Sandeep 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>24.09.2020</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 25.09.2020 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/UKT/-</p>