

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

M.A. No. 1923 of 2018 with M.A. No. 1924 of 2018 Inre O.A. No. 164 of 2017

Smt Asha Devi, W/O Late Hav Krishna 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>28.09.2020</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: justify;">On the case being taken up for hearing none is present on behalf of the applicant. Shri Arun Kumar Sahu, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;"><u>M.A. No 1923 of 2018</u></p> <p style="text-align: justify;">The delay condonation application is dismissed in default. In consequence thereof Original Application is also dismissed.</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>GSR/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)

M.A. No 1626 of 2018 Inre O.A. (Nil) of 2018

Ex Nb Sub Radhe Shyam
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>28.09.2020</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 Parijaat Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of one year six months and four 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 application 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. 244 of 2020</u></p> <p style="text-align: center;">Heard. 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 01.12.2020 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>GSR/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 27 of 2019 Inre O.A. (Nil) of 2019

Smt Prabhawati, W/O Late L Nk Mangal Prasad Verma
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>28.09.2020</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 Parijaat Belaura, Ld. Counsel for the applicant and Rajiv Pandey, Ld. Counsel for the respondents.</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, Ld. Counsel for the respondents submits that there being a delay of 33 years, 01 month & 02 days in filing Original Application, and no sufficient explanation being offered for the same, application deserves rejection.</p> <p style="text-align: center;">Further submission of learned respondents' counsel is that applicant had preferred a representation for the grant of special family pension which was rejected in 1983, and keeping this aspect in view also, delay caused in filing of application is not condonable.</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 an Original Application be registered.</p> <p><u>O.A. No. 250 of 2020</u></p> <p style="text-align: center;">Heard. 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 01.12.2020 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>GSR/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 317 of 2019 Inre O.A. (Nil) of 2019

Sep Prem 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>28.09.2020</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 none is present on behalf of the applicant. Mohd, Zafar Khan, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">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>GSR/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 7 of 2019 Inre O.A. (Nil) of 2019

Ex Sgt Vijai Kumar Maithil
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>28.09.2020</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 Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed with delay of 01 year, 02 months & 28 days.</p> <p style="text-align: center;">Regarding delay, submission of Ld. Counsel for the applicant is that it is not deliberate, but on account of reasons stated in affidavit filed in support of delay condonation application.</p> <p style="text-align: center;">Ld. Counsel for the respondents on the other hand, submits that explanation of delay offered by the applicant is not sufficient, as it is not on day to day basis.</p> <p style="text-align: center;">Having heard the submissions of learned counsel of both sides and having gone through records, we find that grounds given in affidavit filed in support of delay condonation application are genuine and sufficient.</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. 242 of 2020</u></p> <p style="text-align: center;">Heard. It is a fit case for adjudication. Admit.</p> <p style="text-align: center;">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 style="text-align: center;">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>GSR/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 198 of 2019 Inre O.A. (Nil) of 2019

Lt Col Devender Singh Rohilla
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>28.09.2020</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 applicant. Shri Bhanu Pratap Singh, Ld. Counsel for the respondents is present.</p> <p>This Original Application has been filed with delay of 06 months & 02 days.</p> <p>We have gone through affidavit filed in support of delay condonation application and are of the view that grounds 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. 246 of 2020</u></p> <p>Heard. It is a fit case for adjudication. 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) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/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 106 of 2019 Inre O.A. (Nil) of 2019

Smt Pinki 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>28.09.2020</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 Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed with delay of 40 years, 06 months & 05 days.</p> <p style="text-align: center;">Regarding delay, submission of Ld. Counsel for the applicant is that it 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 delay.</p> <p style="text-align: center;">Having heard the submissions of learned counsel of both sides and having gone through records, we find that grounds given in affidavit for condonation of delay are genuine and sufficient.</p> <p style="text-align: center;">As such, delay caused in the 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. 243 of 2020</u></p> <p style="text-align: center;">Heard. 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 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 style="text-align: center;">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>GSR/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 1566 of 2018 Inre O.A. (Nil) of 2018

Smt Bitano Kumari, W/O Ex Hav Ram Baran 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>28.09.2020</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 applicant. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>The delay condonation application is dismissed in default.</p> <p>In consequence, Original Application is also dismissed being time barred.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/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 1604 of 2018 Inre O.A. (Nil) of 2018

Ex Hav Ram Sewak
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>28.09.2020</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 applicant. Shri Arun Kumar Sahu, Ld. Counsel for the respondents is present.</p> <p>The delay condonation application is dismissed in default.</p> <p>In consequence, Original Application is also dismissed being time barred.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/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 1771 of 2018 Inre O.A. (Nil) of 2018

Ex Hav (Hony Nb Sub) Prabhu Nath
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>28.09.2020</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>Memo of appearance filed today in Court by Shri Virendra Singh on behalf of the respondents is taken on record. His name shall be shown as Counsel for the respondents in the cause list.</p> <p>Heard Shri Rakesh Kumar Yadav, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents on delay condonation application.</p> <p>The Original Application has been filed with delay of 08 years, 09 months & 28 days.</p> <p>Regarding delay, submission of learned counsel for the applicant is that it 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 offered by the applicant for condonation of delay is not sufficient as he has failed to offer day to day explanation of delay.</p> <p>Having heard the submissions of learned counsel of both sides and having gone through records, we find that grounds given in affidavit for condonation of delay 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. 248 of 2020</u></p> <p>Heard. It is a fit case for adjudication.</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 03.12.2020 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>GSR/SB</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 2020 Inre O.A. No 238 of 2019

Ex L/Nk Awadhesh Kumar Pandey
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>28.09.2020</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>Shri Namit Sharma, Advocate appeared on behalf of the respondents and filed memo of appearance which is taken on record. His name shall be shown as Counsel for the respondents in the cause list.</p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Shri Namit Sharma, Ld. Counsel for the respondents prays for and is granted three weeks and no more time to seek instructions from the appropriate authority and to file compliance report.</p> <p>List on 24.11.2020 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>GSR/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 2132 of 2017 Inre O.A. (Nil) of 2017

Parmeshwari 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>28.09.2020</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 applicant. Shri R.C. Shukla, Ld. Counsel for the respondents is present.</p> <p>The delay condonation application is dismissed in default.</p> <p>In consequence, Original Application is dismissed being time barred.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/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 1721 of 2018 Inre O.A. (Nil) of 2018

Prem Narain 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>28.09.2020</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 V.P. Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondent Nos. 1 to 4 are present.</p> <p style="text-align:center">Heard.</p> <p>This is an application for condonation of delay of 12 years, 02 months & 12 days in the filing of Original Application.</p> <p>Submission of Ld. Counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable, as cause of action in such matter accrues from month to month, and not on a fixed date. His further submission is that delay caused in filing of application is not deliberate.</p> <p>Learned counsel for the respondents has opposed the prayer saying explanation offered for condonation of delay being not sufficient, delay should not be condoned.</p> <p>It is a pensionary matter, a continuing wrong in which cause of action does not accrue on a fixed date, but it runs from month to month, therefore, bar of limitation is not applicable in such matter. That being the position and ground shown for delay being sufficient, delay is liable to be condoned. Accordingly, 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. 249 of 2020</u></p> <p style="text-align:center">Heard. It is a fit case for adjudication.</p> <p style="text-align:center">Admit.</p> <p>Ld. Counsel for the respondents submits that counter affidavit is ready with him and he prays for a week time to file the same. As prayed, counter affidavit be filed in registry within a week. Rejoinder affidavit may be filed within two weeks thereafter.</p> <p>Respondent Nos. 5 and 6 are yet to be served. Let notice be issued to them calling upon them to file counter affidavit within 4 weeks in the registry.</p> <p style="text-align:center">List this case on 04.12.2020 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>GSR/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 2024 of 2018 Inre O.A. (Nil) of 2018

Ex Hav Sanjay 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>28.09.2020</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 Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>There is a delay of 07 months & 18 days in the filing of Original Application.</p> <p>Submission of Ld. Counsel for the applicant is that on account of acute financial hardship faced by the applicant, the Original Application could not be filed on time.</p> <p>In reply, Ld. Counsel for the respondents submits that explanation of delay offered by the applicant after dismissal, he could not file the application on time.</p> <p>After having heard Ld. Counsel for the parties and having gone through the records of the case, we found that explanation offered by the applicant in filing Original Application is sufficient.</p> <p>In the result, delay caused in filing application is condoned. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 247 of 2020</u></p> <p>Heard. It is a fit case for adjudication.</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 07.12.2020 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>GSR/SB</p>

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

T.A. No 82 of 2012

Mahavir Singh Rawat
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>28.09.2020</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 YR Sharma (Retd), Ld. Counsel for the petitioner and Shri RKS Chauhan, Ld. Counsel for the respondents are present.</p> <p>The respondents have not yet deposited the cost.</p> <p>Ld. Counsel for the respondents prays for and is granted a week time to deposit the cost.</p> <p>Let this matter be listed on 01.12.2020 for final hearing on which date, Ld. 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>GSR/SB</p>

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

T.A. No 80 of 2016

Anoop Kumar
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>28.09.2020</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 Ram Dheeraj Yadav, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 03.12.2020 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>GSR/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 390 of 2019

Ex Hav/Clk Pradeep Kumar Nishad
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>28.09.2020</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 V.P. Pandey, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present.</p> <p>List on 04.12.2020 for hearing.</p> <p style="display: flex; justify-content: space-around;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>GSR/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. 1866 of 2018 with M.A. No 1867 of 2018 Inre
T.A. No 596 of 2010 Inre M.A. No. 2207 of 2017

Uday Veer 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>28.09.2020</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 Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p><u>M.A. No 2206 of 2017 with M.A. No 2207 of 2017 and M.A. No 1866 of 2018 and M.A. No 1867 of 2018</u></p> <p>Two applications have been laid to recall the order dated 16.10.2015 passed in T.A. No 596 of 2010 by means of which the T.A. was dismissed for non prosecution.</p> <p>First recall application (M.A. No 2207 of 2017) was filed with delay of 2 years and 20 days alongwith delay condonation application No M.A. 2206 of 2017. The same being dismissed for non prosecution on 28.08.2018, second recall application was laid.</p> <p>Second recall application (M.A. No 1867 of 2018) has been laid with the delay of 2 years, 11 months and 27 days alongwith delay condonation application (M.A. No. 1866 of 2018).</p> <p>Submission of learned counsel for the applicant is that delay caused in filing of recall application is not deliberate, but on account of illness of his then applicant's counsel, Sri P.N. Chaturvedi, who alternately succumbed to illness.</p> <p>Respondents have though filed objection against the delay condonation applications, but during the course of hearing, learned counsel for the respondents did not oppose the objection saying delay being based on illness of counsel, he has no objection, if the delay is condoned.</p> <p>Accordingly, we condone the delay and allow both recall applications. Misc Applications stand disposed of accordingly.</p> <p>T.A. No 596 of 2010 is restored to its original number.</p> <p>List on 13.11.2020 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>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. 1866 of 2018 with M.A. No 1867 of 2018 Inre
T.A. No 596 of 2010 Inre M.A. No. 2207 of 2017

Uday Veer 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>28.09.2020</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 Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, alongwith Maj Sini Thomas, Departmental Representative are present.</p> <p><u>M.A. No 2206 of 2017 with M.A. No 2207 of 2017 and M.A. No 1866 of 2018 and M.A. No 1867 of 2018</u></p> <p>Two applications have been laid to recall the order dated 16.10.2015 passed in T.A. No 596 of 2010 by means of which the T.A. was dismissed for non prosecution.</p> <p>First recall application (M.A. No 2207 of 2017) was filed with delay of 2 years and 20 days alongwith delay condonation application No M.A. 2206 of 2017. The same being dismissed for non prosecution on 28.08.2018, second recall application was laid.</p> <p>Second recall application (M.A. No 1867 of 2018) has been laid with the delay of 2 years, 11 months and 27 days alongwith delay condonation application (M.A. No. 1866 of 2018).</p> <p>Submission of learned counsel for the applicant is that delay caused in filing of recall application is not deliberate, but on account of illness of his then applicant's counsel, Sri P.N. Chaturvedi, who ultranately succumbed to illness.</p> <p>Respondents have though filed objection against the delay condonation applications, but during the course of hearing, learned counsel for the respondents did not oppose the objection saying delay being based on illness of counsel, he has no objection, if the delay is condoned.</p> <p>Accordingly, we condone the delay and allow both recall applications. Misc Applications stand disposed of accordingly. T.A. No 596 of 2010 is restored to its original number. List on 13.11.2020 for final hearing.</p> <p style="text-align:right">(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)

M.A. No. 242 of 2020 Inre : O.A. No. (Nil) of 2020

Lt Col Laliteshwar Choudhary (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>28.09.2020</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>Objection on delay condonation application filed by the respondents is taken on record.</p> <p>Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>Applicant has filed the Original Application for setting aside the order dated 31.08.2007 of the Additional Director General Personnel Services to the extent of rejecting his claim for the grant of disability pension for the disabilities 'NIDDM (IGT)' and 'Hypertension'.</p> <p>Submission of learned counsel for the applicant is that applicant was commissioned in the Indian Army on 25.07.1987 in Medical category SHAPE-1. After being diagnosed as suffering with disabilities 'NIDDM, Cervical Spondylosis' and 'Hypertension', applicant was placed in Medical Category lower than SHAPE-1. Release Medical Board was held in the matter of the applicant and based on the recommendations of the Board, applicant was placed in Medical Category P2 (Permanent) and was assessed a case of composite disability @ 50%. In due course, he superannuated from the service on 30.04.2007 in the rank of Lt Colonel.</p> <p>Additional Director General Personnel Services, vide his order dated 31.08.2007, was pleased to grant disability pension to the applicant @ 20% for life for the disability 'Cervical Spondylosis' only, but no disability pension was granted for 'NIDDM (IGT)' and 'Hypertension'.</p> <p>Submission of learned counsel for the applicant is that against the order dated 31.08.2007 of Additional Director General Personnel Services, rejecting applicant's claim for grant of disability pension to the extent of 'NIDDM (IGT)' and 'Hypertension', applicant had preferred an appeal dated 31.10.2007 to the Appellate Committee on First Appeal, but he was never communicated any decision taken on his appeal till date, hence this application was filed. Thus, his submission is that application is well within time.</p> <p>This is also the submission of learned counsel for the applicant that matter in hand is a pensionary matter in which bar of limitation is not applicable. Such a matter being a continuing wrong, cause of action does not accrue on a fixed date, but it runs from month to month.</p>

Per Contra, submission of learned counsel for the respondents is that Original Application has been filed against the order dated 31.08.2007 of the Additional Director General Personnel Services. His submission is that in case applicant being aggrieved, he could have filed the application for setting aside the order in this Tribunal within a period of six months from the date of order, as provided in Section 22 of the Armed Forces Tribunal Act. Further submission is that application being not filed within the stipulated period of six months, but after the delay of 12 years, 03 months and 15 days, without there being any explanation on day to day basis, delay is not liable to be condoned. In support, he has placed reliance on the decisions of the Hon'ble Apex Court in **Civil Appeal No 5866 of 2004, Union of India Versus Surjit Kaur and Another**, decided on 03 September, 2004 and in the case of **Shiv Dass vs Union of India and Ors**, reported in **AIR 2007 SC 1330**.

Having heard the submissions of learned counsel of both sides and having perused the decisions of the Hon'ble Apex Court referred to above, we are of the view that respondents' learned counsel's contention is not acceptable. Applicant has clearly stated in the O.A. that he had preferred an appeal dated 31.10.2007, against the order dated 31.08.2007 of the Additional Director General Personnel Services, rejecting his claim in respect of disability 'NIDDM (IGT)' and 'Hypertension'. He has also specifically stated that he was never ever communicated the decision taken on his appeal and, in view of this, his appeal shall be treated to be pending, and, in that case, cause of action shall be treated running and application shall be treated to be filed on time. In such a case limitation will not run from the date respondents allege, i.e. 31.08.2007 but shall be treated to be continuing, and, as such, O.A. is on time.

Decisions of the Hon'ble Apex Court, referred to above by the learned respondents' counsel are not applicable in the instant case. It being not a case that applicant did not raise his grievances before the Appellate Authority, before approaching this Tribunal, rather the case being that he had preferred an appeal dated 31.10.2007, against the order dated 31.08.2007 of the Additional Director General Personnel Services, and no decision on the said appeal was ever communicated, limitation would be treated to be running. In the result, we hold that O.A. is on time.

M.A. stands disposed of accordingly.

Let Original Application be registered.

O. A. No 253 of 2020

Heard. 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, next thereafter.

List on **07.12.2020** before the Registrar Court for the exchange of pleadings.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-

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>28.09.2020</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 respondents are present.</p> <p>Question of jurisdiction being constantly pressed by the respondents, we take up this issue first, for consideration, as under:-</p> <p>“Whether Armed Forces Tribunals have jurisdiction to try cases, with respect to service matters, relating to members of General Reserve Engineering Force (GREF)”?</p> <p>Before advertng to the respective submissions of learned counsel of both sides, with regard to above question, we would like to make a brief mention of the facts of the case as under.</p> <p>Applicant Kitab Singh, since deceased, was enrolled in the Army in the Corps of Artillery as Mechanical Transport Driver (MT Dvr) on 05 April 1944, and, after completing more than seven years service from 05 April 1944 to 19 April 1947 and from 08 July 1949 to 15 July 1952 was discharged from the service, being surplus to the requirement. Thereafter, he was re-employed in Road Construction Company in the organisation of General Reserve Engineering Force (GREF) on 08 September 1960, and, after having served about 23 years in the said organisation, superannuated from there on 28.02.1983. In due course, he was confirmed on the post of MT Dvr on 20.11.1969. After being retired, his pension was fixed, however, services</p>

rendered in Army were not included while fixing the pension. Applicant made several representations in this regard to the concerned authorities, and, on having failed to get any positive response, he filed the instant Original Application.

Learned counsel for the respondents submits that services rendered in Army could not be added while fixing the pension of the applicant because he had failed to exercise the option in so doing. He further submits that services in Army could only be taken into account for fixation of pension when applicant would have exercised the option.

Learned counsel for the respondents further submits that applicant being a GREF personnel, if he was aggrieved with order, with respect to fixation of his pension, he should have filed writ in the High Court for the redressal of his grievances, as remedy in this regard lies in High Court under Article 226 of the Constitution. His submission is that with respect to a GREF personnel, Armed Forces Tribunals, constituted under the Armed Forces Tribunal Act, 2007, have no jurisdiction to try cases relating to terms and conditions of their service. He further submits that with respect to GREF personnel, if cause of action arises from an order passed under CCS (CCA) Rules, remedy against the order lies in High Court under Article 226 of the constitution, and not under Section 14 of the Act, 2007.

Learned counsel for the respondents further submits that same matter in issue was raised for consideration in the Hon'ble Apex Court in Civil Appeal Number 10131 of 2016, ***Mohammed Ansari vs Union of India and Others***, decided on 02.02.2017. The Hon'ble Apex Court in the said appeal, after analysing relevant provisions relating to Administrative Tribunals Act, 1985 with Rules made there under, Armed Forces Tribunal Act, 2007, with Rules made there under and CCS (CCA) Rules, 1965 has held that Armed Forces Tribunals have jurisdiction to hear appeal arising out of Courts Martial verdicts qua GREF personnel but they have no jurisdiction to decide grievances of GREF personnel, relating to their terms and conditions of service or alternatively put 'service matters'.

Learned respondents' counsel submits that law emanating from the decision of ***Mohd Ansari Vs Union of India and Others*** (supra) case leaves no room of doubt that Armed Forces Tribunals have no jurisdiction with respect to service matters, arising out of order passed under CCS (CCA) Rules qua GREF personnel. They have jurisdiction, in their matters, in respect of Courts Martial convictions only. He further submits that instant O.A. being filed in respect of a service matter arising out of an order passed under CCS (CCA) Rules, it is not cognizable by Armed Forces Tribunal, rather remedy against this order lies in High Court under Article 226 of the Constitution.

Per Contra, Learned applicant's counsel submits that respondents had raised this issue at the time of admission of O.A., and a co-ordinate Bench of this Tribunal after hearing submissions of both sides, had vide order dated 10.09.2013 concluded that O.A. was maintainable in the Tribunal. His submission is that once the question of jurisdiction being raised and decided by a co-ordinate Bench, respondents can not raise this question again nor this Bench can revisit the same.

Learned counsel for the applicant further submits that if the Bench is of the view that view expressed by the co-ordinate Bench in order dated 10.09.2013 is incorrect, it can refer the matter to a larger Bench only, but in any case it can not revisit the issue in light of decision rendered in ***Mohd Ansari Vs UOI and Others*** (supra) case. For this, he has placed reliance on the decision of Hon'ble Supreme Court in Civil Appeal NO 9015 of 2013, ***G.L. Bhatra vs State of Haryana and Others*** decided on 07.10.2013. His submission is that Hon'ble Supreme Court has held in this case that "A co-ordinate Bench of the High Court could not over rule a judgment of a learned single judge which was already affirmed by another Co-ordinate Bench and the Division Bench committed a serious error of the highest order. The Division Bench should have referred the matter to a larger Bench, if it was in disagreement with the judgment of Learned Single judge which has been affirmed by a Co-ordinate

Bench and on the doctrine of merger the judgment of the single judge had merged with the division.

The same matter being in issue in Civil Appeal **Mohd Ansari Vs Union of India & Ors**, arising out of order passed in SLP(C) No 31556 of 2013 by the Guwahati High Court, it was taken up for adjudication by the Hon'ble Supreme Court by order dated 02.02.2017. The Hon'ble Supreme Court in this Civil Appeal, after having considered all relevant provisions relating to The Army Act, 1950, The Armed Forces Tribunal Act, 2007, Central Administrative Tribunals Act and CCS (CCA) Rules, 1965 confirmed the view of the Guwahati High Court and held that Armed Forces Tribunal has jurisdiction to appeals arising out of Courts martial verdicts qua GREF personnel. However, if the punishment is imposed on GREF personnel by way of departmental proceedings held under the CCS (CCA) Rules, 1965, the same cannot be agitated before the Armed Forces Tribunal and Armed Forces Tribunal shall have no jurisdiction to hear and decide grievances of GREF personnel relating to their terms and conditions of service or alternatively but 'service matters'. Para Nos 31, 32, 33 and 34 of the judgment relevant for the purpose of the case are reproduced below:-

31. In this backdrop, jurisdiction of the tribunal has to be determined. As is seen, the 2007 Act has been made applicable to persons subject to the 1950 Act, the Navy Act, 1957 and the Air Force Act, 1950, the retired personnel subject to these Acts including their dependants, heirs and successors insofar as it relates to their service matters. The tribunal constituted in terms of Sections 4 and 5 thereof, is vested with twin jurisdiction viz., jurisdiction, powers and authority in service matters as provided in Section 14 and the jurisdiction in matter of appeal against courts martial under Section 15 of the Act.

32. The situation insofar as jurisdiction of the Armed Forces Tribunal (AFT) to hear the appeals arising out of court martial verdicts qua GREF personnel, however, appears to stand on a different footing. It is because the provisions of Chapter VI i.e. offences, Chapter VII i.e. punishment, Chapter X i.e. 'courts martial' etc. apply with full force, subject to minor exceptions and modifications here and there, as applied to GREF. Therefore, the provisions of the 1950 Act dealing with various punishments inflicted by way of courts martial qua GREF personnel as applied can be agitated before the AFT and the AFT shall have jurisdiction to hear appeals arising out of courts martial verdicts. There can be no doubt that in respect of said matters the AFT shall have jurisdiction. Denial of jurisdiction to the said tribunal would be contrary to the 1950 Act and the provisions engrafted under the 2007 Act. To elaborate, right to approach the AFT by the personnel of GREF who are tried by a court martial held under the very same Act has to be recognised. At the same time, if the punishment is imposed on GREF personnel by way of departmental proceedings held under the CCS(CCA) Rules, 1965 then obviously the same cannot be agitated before the AFT since the penalty in such cases will not be one under the 1950 Act but will be under the CCS(CCA) Rules, 1965. The distinction, as the law exists in the present, has to be done.

33. From the aforesaid, the legal position that emerges is that AFT shall have jurisdiction (i) to hear appeals arising out of courts martial verdicts qua GREF personnel. To this extent alone the AFT shall have jurisdiction. At the same time if the punishment is imposed on GREF personnel by way of departmental proceedings held under the CCS(CCA) Rules, 1965 the same cannot be agitated before the AFT and (ii) AFT shall have no jurisdiction to hear and decide grievances of GREF personnel relating to their terms and conditions of service or alternatively put 'service matters'.

34. At this stage, it is necessary to recapitulate that during the pendency of the matter before the High Court, the Central Administrative Tribunal had passed the final order on 5.11.2012 in favour of the appellant. Be that as it may, the tribunal does not have the jurisdiction to deal with an issue of upgradation or the nature of lis raised by the appellant before it. In the absence of lack of inherent jurisdiction to deal with the issue, the said judgment is a nullity. It has no existence in law. It is well settled in law that the judgment passed is a nullity if it is passed by a court having no inherent jurisdiction. The decree to be called a nullity is to be understood in the sense that it is ultra vires the powers of the court passing the decree and not merely voidable decree. [See *Hiralal Moolchand Doshi v. Barot Raman Lal Ranchhoddas*, 1993(1) R.C.R (Rent) 524 : (1993) 2 SCC 458].

During the course of hearing, learned counsel for the applicant admitted that in view of law settled in ***Mohammed Ansari vs Union of India and Others*** (supra) case, Armed Forces Tribunals have no jurisdiction to try cases relating to service matters qua GREF personnel. However, his submission is that in view of what has been said in ***G.L. Batra Vs State of Haryana and Others*** (Supra) case, this Tribunal has no jurisdiction to revisit the point of jurisdiction. He further submits that if the Tribunal feels that view taken by the co-ordinate Bench is bad in law, it can only refer the matter to a larger Bench to decide the issue of jurisdiction, but in any case, it has no power to revisit the issue.

After hearing the submissions of learned counsel of both sides, we fail to understand as to how after the law with regard to jurisdiction of Armed Forces Tribunal with respect to service matters qua GREF personnel being settled by the Hon'ble Apex Court in ***Mohd Ansari Vs UOI and Others*** case, this Tribunal can proceed with O.A. treating it to be maintainable in light of co-ordinate Bench order dated 10.09.2013 of the Tribunal. The law with respect to jurisdiction of AFT relating to service matters qua GREF personnel being once settled by the highest court of the country, all courts, tribunals and authorities are bound by it. After the law on jurisdiction of AFT Qua GREF personnel being propounded by the Hon'ble Apex Court, order dated 10.09.2013, of the coordinate Bench of the Tribunal being passed without jurisdiction is nullity and, therefore, shall be ignored.

As regards **G.L. Batra** (supra) case, we would like to say that order dated 10.09.2013 of the coordinate Bench being ultravires the power of the Court which passed it, this Tribunal is not bound by it. In the given situation, applicant's learned counsel's plea of referring dispute of jurisdiction to a larger bench for adjudication is not tenable.

Learned counsel for the applicant next submits that after applicant's services rendered in Army being not considered for fixation of pension, he had filed a complaint before the District Consumer Forum, but the same was dismissed being not maintainable. Applicant had then filed an O.A. in the Central Administrative Tribunal but the same was also not entertained saying not maintainable. Applicant had then approached the High Court by way of writ which was summarily disposed of with liberty to file application in AFT. Thus, learned applicant's counsel submits that in the given situation, when applicant has knocked all the doors, who should he now approach for the redressal of his grievances.

The answer of the above question lies in the judgment of **Mohd Ansari** (supra) case itself. Hon'ble Supreme Court has held in the judgment that remedy with regard to service matters, arising out of order passed under CCA (CCA) Rules, 1965 lies in High Court under Article 226 of the Constitution. Applicant can therefore agitate the grievances before the High Court by way of writ under Article 226 of the Constitution, referring Hon'ble Apex Court judgment.

In view of what has been said herein before, we hold that applicant being a GREF personnel, and order in challenge in O.A. being one passed under CCS (CCA) Rules, 1965, this Tribunal has no jurisdiction to try the same.

O.A. is dismissed being not maintainable.

No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-