

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Suppl. No. 4)

O.A. No. 1199 of 2023 with M.A. No. 1652 of 2023

Ex Nk Ram Dulare Pandey Applicant
By Legal Practitioner for the Applicant: Shri Satya Prakash Pandey and
Shri Ashutosh Pathak, Advocates

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents: Shri JN Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. Memo of Appearance filed by Shri JN Mishra, Advocate on behalf of the respondents is taken on record. His name shall be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>2. On the case being taken up for hearing, Shri JN Mishra, Ld. Counsel for the respondents is present. None is present on behalf of the applicant.</p> <p><u>M.A. No. 1652 of 2023</u></p> <p>3. Heard Shri JN Mishra, Ld. Counsel for the respondents on delay condonation application.</p> <p>4. This Original Application has been filed for revision of pension to the applicant. There is a delay of 13 years, 08 months and 29 days in filing Original Application.</p> <p>5. Applicant has moved an application for condonation of delay</p> <p>6. It being a pensionary matter and having a recurring cause of action, delay in filing Original Application is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1199 of 2023</u></p> <p>7. Matter needs adjudication.</p> <p>8. Admit.</p> <p>9. 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 week thereafter.</p> <p>10. List on 23.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Ser No. 5)

M.A. No. 1655 of 2023 with M.A. No. 1656 of 2023
Inre O.A. No. 39 of 2022

Union of India & Ors

Applicants-respondents

By Legal Practitioner for the Applicants: **Ms Appoli Srivastava**, Advocate

Versus

Spr Basav Raj Lamani

Respondent-applicant

By Legal Practitioner for Respondent: **Col RC Dixit (Retd)**, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p><u>M.A. No. 1655 of 2023</u></p> <p>1. This is an application for condonation of delay in filing application for leave to appeal.</p> <p>2. There is delay of 01 month and 11 days in filing leave to appeal.</p> <p>3. Submission of learned counsel for the applicants-Union of India & Others is that delay in filing leave to appeal is not deliberate. His further submission is that after passing of the order dated 14.07.2023 some delay took place in obtaining instructions for filing leave to appeal. Thus, her submission is that delay is not deliberate, but for the reasons mentioned above and time taken by the department in processing the case for filing of the present application, delay of 01 month and 11 days is condonable in filing application for leave to appeal.</p> <p>4. We have gone through the affidavit filed in support of delay condonation application and find that the grounds and reasons shown in the accompanying affidavit for condonation of delay seem sufficient and therefore, delay in filing application is condoned. Delay condonation application stands disposed off.</p> <p><u>LTA No 1656 of 2023</u></p> <p>5. This application has been filed under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 14.07.2023 of this Tribunal passed in Original Application No 39 of 2022.</p> <p>6. Learned counsel for the applicant-respondents submits that she has filed this leave to appeal on following grounds:-</p> <p>(i) Is it not right that the order of the Hon'ble Tribunal is ex-facie erroneous in facts and law as the original applicant was habitual offender of over staying his leave and declared a deserter, hence no leniency could have been shown to him except for dismissal?</p> <p>(ii) Is it not right that as per the provisions contained in Rule 113 (a) of Pension Regulations of Army, an individual who is dismissed under the Army Act is not eligible for pension or gratuity in respect of service period? Although the applicant was placed in low medical category S3 w.e.f. 10.03.2008 for 'Schizo Affective Disorder'.</p>

(iii) Was the Tribunal correct in partly allowing the OA, by its order dated 14.07.2023, showing sympathy and holding that the punishment of dismissal from service was excessive and would make him ineligible to earn a pension?

(iv) Was Tribunal right in holding that applicant should have been invalidated out from service on medical ground instead of dismissal from service?

7. We have perused the judgment dated 14.07.2023 passed in O.A. No.39 of 2022 and points raised by learned counsel for the applicants-respondents and we are of the view that no much or less point of law of general public importance is involved in this case for grant of leave to appeal.

8. Accordingly, leave to appeal is **rejected**.

(Maj Gen Sanjay Singh)
Member (A)

rathore

(Justice Anil Kumar)
Member (J)

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 6)

R.A. No. 63 of 2023 with M.A. No. 1580 of 2023 Inre T.A. No. 64 of 2016

Union of India & Others

Applicants-respondent

By Legal Practitioner for the Applicants: Shri Yogesh Kesarwani, Advocate

Versus

Ex L Hav Surendra Vavu

Respondent-Applicants

By Legal Practitioner for Respondent: Shri, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing, Shri Yogesh Kesarwani, Ld. Counsel for the applicants-respondent is present.2. This Review Application has been filed for review of order dated 17.03.2023 passed by this Tribunal in T.A. No. 64 of 2016.3. Let a notice to be issued to respondent-applicant returnable within four weeks.4. Steps within a week.5. List on 22.11.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 7)

EX.A. No. 224 of 2022 Inre O.A. No. 281 of 2020

Ex Hav Ram Yatan Ram Applicant
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Rajesh Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. Vakalatnama filed by Mohd. Zafar Khan, Advocate on behalf of the respondents No. 5 and 6 is taken on record. His name be shown as counsel for the said respondents when the case is listed next.</p> <p>2. On the case being taken up for hearing, Shri Rajesh Shukla, Ld. Counsel for the respondents No. 1 to 4 and Mohd. Zafar Khan, Ld. counsel for the respondents No. 5 and 6 are present. Shri Parijaat Belaura, learned counsel for the applicant is not present.</p> <p>3. Objection on compliance report filed by Ld. counsel for the applicant is taken on record.</p> <p>4. Ld. counsel for the respondents is directed to file parawise reply to the objection raised by Ld. counsel for the applicant within four weeks.</p> <p>5. List on 22.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No.8)

EX. A. No. 34 of 2023 Inre TA. No. 24 of 2012 with M.A. No. 1673 of 2023

Ex Gnr Yogendra Singh

Applicant

By Legal Practitioner for the Applicant: Shri Pushpendra Kumar Dhaka
and Shri Ramakant Gupta, Advocates

Versus

Union of India & Others(Army)

Respondents

By Legal Practitioner for Respondents: Shri Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Rama Kant Gupta, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 1673 of 2023</u></p> <p>2. Ld. counsel for the applicant submitted that applicant has died on 18.08.2023, therefore, this substitution application has been filed to substitute legal heir Smt. Geeta being wife of the applicant. In support of this, an affidavit has been filed and death certificate of the applicant has also been annexed.</p> <p>3. On going through the affidavit, we find that it has sufficient ground to allow the application. Accordingly, this application is allowed and M.A. No. 1673 of 2023 stands disposed off.</p> <p>4. Ld. counsel for the applicant is directed to incorporate the name of Smt. Geeta in Execution Application within a week.</p> <p>5. List on 22.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (SI. No.9)

O.A. No. 645 of 2023

Sub Dinesh Prasad Chaurasia (Retd) Applicant
By Legal Practitioner for the Applicant: Shri Ravi Kumar Yadav, Advocate

Versus

Union of India & Others(Army) Respondents
By Legal Practitioner for Respondents: Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted three weeks further time, as last opportunity, to file counter affidavit.</p> <p>4. List on 23.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Ser No. 10)

O.A. No. 681 of 2023

Smt Krishna Devi & Ors Applicants
By Legal Practitioner for the Applicants: **Shri Shiv Nath Goswami**, Advocate

Versus

Union of India & Ors Respondents
By Legal Practitioner for Respondents: **Mrs Anju Singh**, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Shiv Nath Goswami, learned counsel for the applicants and Mrs Anju Singh, learned counsel for the respondents on admission.2. This Original Application has been filed for grant of 50% share of family pension to applicant No 2 and 3 who are legitimate children (children born out of second wedlock) of the deceased soldier.3. Matter needs adjudication.4. Admit.5. Brief facts of the case are that No. 4078489P Late Bhim Kumar Chahar was discharged from service on 30.09.2012 and after discharge from service he was granted service pension vide PPO No 3/042760/2012 (Army) dated 27.02.2013. It is submitted in the O.A. that his first wife Smt Madhu was being paid 1/3rd portion of his pension. The pensioner, who was in receipt of service pension, died on 30.11.2021 due to heart attack (death certificate placed at Annexure No 3). Applicants have claimed 50% share of family pension for which representation dated 17.11.2022 was submitted to respondent No 2 which is still pending.6. During the course of hearing, learned counsel for the applicant has restricted his prayer to decide representation dated 17.11.2022 to which learned counsel for the respondents have no objection.7. With the consent of learned counsel for the parties, we hereby dispose of the O.A. finally with the direction to the respondents to decide the representation / statutory complaint of the applicant dated 17.11.2022 by a speaking and reasoned order in accordance with law, if not already decided, within a period of two months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly.8. With the aforesaid direction, the Original Application is disposed of finally.9. Let a copy of this order be provided to learned counsel for the respondents within 48 hours, free of cost for onward transmission.10. Applicant is at liberty to approach this Tribunal, if he is so advised. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 11)

O. A. No. 890 of 2023

Ex L/Nk Ranvir Singh

Applicant

By Legal Practitioner for the Applicant: Shri Ravi Kumar Yadav, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Pushpendra Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted three weeks further time to file counter affidavit.</p> <p>4. List on 22.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 12)

O. A.(A) No. 91 of 2022

Ex Sep Ajay Singh(Through Pairokar Smt Poonam Yadav(Wife)) Appellant
By Legal Practitioner for the Appellant: Shri Vinay Pandey, Col RK Tripathi(Retd) and
Shri Atul Kumar Mishra, Advocates

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Col RK Tripathi (Retd), Ld. Counsel for the appellant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. Ld. counsel for the appellant submits that he does not want to file rejoinder affidavit.</p> <p>3. Pleadings are complete.</p> <p>4. Ld. counsel for the appellant is directed to file points of argument within four weeks.</p> <p>5. List for hearing on 21.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 13)

O.A.(A) No. 500 of 2017

Vijai Misra

Appellant

By Legal Practitioner for the Appellant: Col AK Srivastava(Retd), Dharam Raj Singh
and Shri Shyam Sunder Bajpai, Advocates

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Col AK Srivastava (Retd), Ld. Counsel for the appellant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>2. Ld. counsel for the appellant prays for and is granted three weeks time to file written submission.</p> <p>3. Ld. counsel for the respondents is directed to provide original documents pertaining to this case for perusal of the Bench on next date fixed.</p> <p>4. List on 22.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 14)

T. A. No. 84 of 2012

Narendra Kumar Rana

Petitioner

By Legal Practitioner for the Petitioner : Shri Virat Anand Singh, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Narender Kumar Mishra, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the petitioner and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>2. On request of brief holder, one more last opportunity is granted to the Ld. counsel for the applicant to argue this case or file written submission by next date fixed.</p> <p>3. List on 26.10.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 15)

T. A. No. 39 of 2017

Govind Singh Negi

Petitioner

By Legal Practitioner for the Petitioner : Shri SG Singh, Advocate

Versus

Union of India & Others

Respondent

By Legal Practitioner for Respondents: Shri Bipin Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Anand Yadav, Advocate holding brief of Shri SG Singh, Ld. Counsel for the Petitioner and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Brief holder prays for adjournment of this case.</p> <p>3. Ld. counsel for the petitioner is directed to argue this case or file written submission by next date fixed.</p> <p>4. List on 26.10.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 16)

O. A. No.1204 of 2023 with M.A. No. 1661 of 2023

Ex PO(GW) Manish Kumar Pal Applicant

By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocates

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents: Dr. Gyan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name shall be shown as Counsel for the respondents when the case is listed next.</p> <p>2. Heard Shri Manish Kumar Rai, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1661 of 2023</u></p> <p>3. This application has been filed for condonation of delay in filing Original Application. Since there is no delay, this application is dismissed being not required.</p> <p><u>O. A. No.1204 of 2023</u></p> <p>4. This Original Application has been filed for grant of promotion to the applicant.</p> <p>4. Case needs adjudication.</p> <p>5. Admit.</p> <p>6. 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 week thereafter.</p> <p>7. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 17)

O.A. No. 191 of 2023

Ex POME BIPIN Kumar Varnwal Applicant
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocates

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Rajiv Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 18)

O.A. No. 192 of 2023

Ex POELR Pramod Kumar Applicant
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 19)

O.A. No. 194 of 2023

Ex POME Khusheel Kumar Sharma Applicant
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 20)

O. A. No. 195 of 2023

Ex PORTAC Nandlal Singh Yadav Applicant
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Dr. Chet Narayan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 21)

O. A. No. 196 of 2023

Ex CPO COM(EW) Vinod Kumar

Applicant

By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Ms. Anju Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 22)

O. A. No. 236 of 2023

Ex POME Raman Sahu Applicant
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri JN Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 23)

O. A. No. 325 of 2023 with M.A. No. 442 of 2023

LME Aditya Arun (Retd)

Applicant

By Legal Practitioner for the Applicant: Shri Sarvesh Kumar Verma

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Sarvesh Kumar Verma, Ld. counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Shri Nitin Khanna, Advocate appeared on behalf of respondent No. 4 and has submitted that he will file Vakalatnama and counter affidavit within three weeks, which is allowed.</p> <p>5. Ld. counsel for the respondents prays for and is granted three weeks further time to file counter affidavit.</p> <p>6. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 24)

O. A. No. 452 of 2023

Ex CHEAR Aftab Alam

Applicant

By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocates

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri GS Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. counsel for the applicants and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 25)

O. A. No. 490 of 2023

Ex POEL (P) Hemant Kumar Singh Applicant
By Legal Practitioner for the Applicant: Shri Sarvesh Kumar Verma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 26)

O. A. No. 660 of 2023

Ex SPO Sanjay Kumar Yadav Applicant
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocates

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents No. 1 to 5 are present.</p> <p>2. Mohd. Zafar Khan, Advocate submits that he will file Vakalatnama on behalf of the respondents No. 6 and 7 within two weeks.</p> <p>3. Ld. counsel for the respondents No. 1 to 5 prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 27)

O. A. No. 661 of 2023

Ex LRO TAC Piyush Kumar Pathak

Applicant

By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocates

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. Vakalatnama filed by Shri Saket Srivastava, Advocate on behalf of respondent No. 6 is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p>3. Ld. counsel for the respondents No. 1 to 5 prays for and is granted four weeks further time to file counter affidavit.</p> <p>4. List on 06.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 28)

O. A. No. 679 of 2023 with M.A. No. 820 of 2023

Ex LME (Reservist) Harshawan Joshi Applicant
By Legal Practitioner for the Applicant: Shri Sarvesh Kumar Verma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Sarvesh Kumar Verma, Ld. Counsel for the Appellant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. Objection on delay condonation application and maintainability of the O.A. has not been filed.</p> <p>3. Ld. counsel for the respondents prays for and is granted ten days further time to file objection on maintainability of the O.A. and delay condonation application.</p> <p>4. List on 01.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 29)

O. A. No. 928 of 2023

Smt Geeta Mishra M/O Late PNR Reetesh Mishra Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocates

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. When the case is taken up in revised list for hearing, no one appeared on behalf of the parties.</p> <p>2. Ld. counsel for the applicant was directed to take steps for notice to the respondent No. 9 but steps have not been taken. Notice has not been issued for want of steps. Ld. counsel for the applicant is further directed to take steps within a week. After taking the steps, let notice be issued to respondent No. 9 returnable within four weeks.</p> <p>3. List on 01.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 30)

O. A. No. 1027 of 2023 with M.A. No. 1381 of 2023

Ex POEL(P) Arvind Singh Applicant
By Legal Practitioner for the Applicant: Shri Sarvesh Kumar Verma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Alok Kumar Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 1381 of 2023</u></p> <p>2. Heard Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents on delay condonation application.</p> <p>3. This Original Application has been filed for stoppage of recovery from pension of the applicant. There is a delay of 11 months and 22 days in filing the Original Application.</p> <p>4. Applicant has moved an application for condonation of delay.</p> <p>5. It being a pensionary matter and having a recurring cause of action, delay in filing Original Application is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1027 of 2023</u></p> <p>6. Case needs adjudication.</p> <p>7. Admit.</p> <p>8. 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 week thereafter.</p> <p>9. List on 05.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p><i>rpm/-</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 31)

O. A. No. 1031 of 2023 with M.A. No. 1386 of 2023

Smt Durvasa Devi W/O Late Virendra Yadav Applicant
By Legal Practitioner for the Applicant: Shri Hari Prakash Yadav, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member(A)</u></p> <p>1. On the case being taken up for hearing, Shri Hari Prakash Yadav, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>2. Objection filed by Ld counsel for the respondents on delay condonation application is taken on record.</p> <p>3. Reply to objection filed by Ld. counsel for the applicant has also taken on record.</p> <p><u>M.A. No. 1386 of 2023</u></p> <p>4. This Original Application has been filed for grant of family pension to the applicant. There is a delay of 29 years, 02 months and 12 days in filing the Original Application.</p> <p>5. Applicant has moved an application for condonation of delay.</p> <p>6. Ld. counsel for the respondents submits that day to day delay has not been explained, properly,</p> <p>7. Ld. counsel for the applicant submits that being a pensionary matter, this delay condonation application is liable to be condoned being recurring cause of action.</p> <p>8. It being a pensionary matter and having a recurring cause of action, delay in filing original application is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1031 of 2023</u></p> <p>9. Case needs adjudication.</p> <p>10. Admit.</p> <p>11. 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 week thereafter.</p> <p>12. List on 05.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>rpm/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Ser No. 32)

O.A. No. 1092 of 2023 with M.A. No. 1487 of 2023

Ex (Portel) Manoj Kumar Singh Applicant
By Legal Practitioner for the Applicant: **Shri Manish Kumar Rai, Advocate**

Versus

Union of India & Ors Respondents
By Legal Practitioner for Respondents: **Dr. Gyan Singh, Advocate**

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p><u>M.A. No. 1487 of 2023</u></p> <ol style="list-style-type: none">1. The Original Application has been filed with delay of 03 months and 02 days.2. 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 in filing Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.3. Per contra, learned counsel for the respondents submits that delay has not been properly explained.4. Heard Shri Manish Kumar Rai, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents on delay condonation application.5. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.6. Accordingly, delay in filing of application is condoned. Application stands decided accordingly. <p><u>O.A. No. 1092 of 2023</u></p> <ol style="list-style-type: none">8. It is a fit case for adjudication.9. Admit.10. 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.11. Mohd Zafar Khan, Advocate appearing on behalf of respondent No 6 submits that he is accepting notice for respondent No 6. Therefore, there is no need to send notice to respondent No 6. He prays for and is allowed two weeks time to file Vakalatnama alongwith counter affidavit on behalf of respondent No 6.

13. An interim relief has also been prayed by learned counsel for the applicant for stoppage of recovery of Rs 42,881/- from applicant's pension vide order dated 06.02.2023 passed by respondent No 6.

14. Learned counsel for the applicant submitted that applicant has retired on 31.07.2014 and at the time of retirement he was posted as Portel. It is also submitted that notice dated 06.02.2023 has been issued by respondent No 6 regarding illegal recovery from pension. In support of his contention he has relied upon the Hon'ble Apex Court judgment in the case of ***State of Punjab Vs Rafiq Masih***, Civil Appeal No. 11527 of 2014 decided on 18.12.2014.

15. In view of submission made by learned counsel for the applicant and the fact and circumstances of the case, alleged recovery of Rs 42,881/- shall remain stayed till next date of listing.

16. List on **05.12.2023**.

17. Let copy of this order be provided to the respondents for implementation of this order.

(Maj Gen Sanjay Singh)
Member (A)

rathore

(Justice Anil Kumar)
Member (J)