

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 1)

Ex-A/193 of 2018 Inre O.A. No. 145 of 2013

Satendra Singh Pal Applicant
By Legal Practitioner for the Applicant: Shri Pankaj Kumar Shukla, Advocate
Shri Rahul Dev Tripathi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Namit Sharma, Advocate
Shri DC Lohumi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondent No 1 to 5 and Shri DC Lohumi, Ld. Counsel for the respondent No 6 and 7 are present. Shri Rajiv Tiwari, Accts officer, PCDA (P), Prayagraj is also present.</p> <p>2. Reply filed by Shri DC Lohumi, Advocate on behalf of the respondent No 6 and 7 is taken on record. In para 5 of the reply it has been stated that non payment certificate dated 31.10.2023 has been issued by State Bank of India, Allahabad to PCDA (P), Prayagraj.</p> <p>3. Learned counsel for the respondents prays for and is granted three weeks time for filing affidavit of compliance on behalf of PCDA (P), Prayagraj.</p> <p>4. List on 13.12.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 2)

EX-A/173 of 2022 Inre O.A. No. 235 of 2020

Pradeep Kumar, S/o Late Ex Hav Gopal Das

Applicant

By Legal Practitioner for the Applicant: Shri Ashok Kumar, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Anurag Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Ashok Kumar, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.2. Affidavit of compliance has not been filed.3. Departmental Representative for the respondents prays for and is granted three weeks further time to file affidavit of compliance on payment of cost of Rs 10,000/-.4. List on 18.12.2023. <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 3)

EX-A. No. 280 of 2022 Inre O.A. No. 331 of 2021

Ex Cpl Dharm Raj

Applicant

By Legal Practitioner for the Applicant: Shri Himanshu Singh, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Ms Preeti Mala, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Himanshu Singh, Ld. Counsel for the applicant and Ms Preeti Mala, Ld. Counsel for the respondents are present.2. Affidavit of compliance has not been filed. Stay order has also not been filed.3. Learned counsel for the respondents prays for and is granted 03 weeks further time to file affidavit of compliance on payment of Rs 5,000/- as cost. Cost due against respondents shall be deposited by next date of listing.4. List on 20.12.2023.5. Copy of this order be provided to learned counsel for the respondents. <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 4)

EX-A. No. 100 of 2023 Inre O.A. No. 850 of 2021

Ex Hav Sharafat Miya

Applicant

By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.2. Objection against compliance report has not been filed.3. Learned counsel for the applicant prays for and is allowed a week's time to file objection on affidavit of compliance filed on behalf of the respondents.4. List on 29.11.2023. <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 5)

Ex-A-221 of 2023 Inre O.A. No. 428 of 2022

Ex Hav (ACP Nb Sub) Dharendra Singh

Applicant

By Legal Practitioner for the Applicant: Shri KP Datta, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Mrs Kavita Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 KP Datta, Ld. Counsel for the applicant and Mrs Kavita Mishra, Ld. Counsel for the respondents are present.2. Affidavit of compliance has not been filed.3. Learned counsel for the respondents submits that Govt sanction has been accorded on 31.07.2023 and some amount has also been remitted in favour of the applicant. She prays for and is allowed four weeks further time to file compliance report.4. List on 20.12.2023. <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 6)

M.A. No. 1902 of 2023 with M.A. No. 1903 of 2023
Inre T.A. No. 24 of 2012

Union of India & Ors

Applicants-respondents

By Legal Practitioner for the Applicants: Shri Namit Sharma, Advocate

Versus

Ex Gnr Yogendra Singh

Respondent-applicant

By Legal Practitioner for Respondent: Shri....., Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Shri Namit Sharma, learned counsel for the applicants-respondents.</p> <p><u>M.A. No. 1902 of 2023</u></p> <p>2. This is an application for condonation of delay in filing application for leave to appeal.</p> <p>3. There is delay of 11 months and 09 days in filing leave to appeal.</p> <p>4. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly, application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is rejected.</p> <p><u>M.A. No. 1903 of 2023</u></p> <p>5. In consequence thereof, application for leave to appeal is also rejected.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 7)

O.A. No. 517 of 2023

Ex L/Nk Darshan Singh

Applicant

By Legal Practitioner for the Applicant: Wg Cdr Ajit Kakkar (Retd), Shri Manoj Kumar Awasthi, Advocates

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>08.11.2023</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 Rajesh Shukla, Ld. Counsel for the respondents is present.</p> <p>2. Rejoinder affidavit has not been filed. Today, none is present on behalf of the applicant when the case is taken up.</p> <p>3. Two weeks further time as last opportunity is granted to learned counsel for the applicant for filing rejoinder affidavit.</p> <p>4. List on 13.12.2023.</p> <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>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 8)

O.A. No. 531 of 2023

Ex Nk (ACP) Shashi Kumar Applicant
By Legal Practitioner for the Petitioner: Shri Prahlad Maurya, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Prahlad Maurya, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present.2. Impleadment application filed by learned counsel for the applicant is taken on record. Learned counsel for the applicant has filed this application for impleadment of Signal Record Office as respondent No 4 to which learned counsel for the respondent has no objection. Application is allowed.3. Amendment be incorporated within 03 days.4. Let amended copy be given to learned counsel for the respondents within a week.5. Learned counsel for the respondents prays for and is allowed 06 weeks time to file counter affidavit.6. List on 16.01.2024. <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 9)

O.A. No. 579 of 2023

Ex POELP Pankaj Kumar

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Mohd Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 respondent No 1 to 5 and Mohd Zafar Khan, Ld. Counsel for the respondent No 6 are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. On request of learned counsel for the respondents, two weeks further time is allowed to file counter affidavit.</p> <p>4. List on 05.12.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 10)

O.A. No. 665 of 2023 with M.A. No. 800 of 2023

Ex PO M R1 Bharat Sharma

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Mrs Anju Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Manish Kumar Rai, Ld. Counsel for the applicant and Mrs Manju Singh, Ld. Counsel for the respondents are present.2. Counter affidavit has not been filed.3. On request of learned counsel for the respondents, two weeks further time is allowed to file counter affidavit.4. List on 05.12.2023. <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 11)

O.A. No. 708 of 2023

Ex Sub Jitendra Kumar

Applicant

By Legal Practitioner for the Petitioner: Shri Manoj Kumar Awasthi and Shri Anshuman Srivastava, Advocates

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents submits that he wants to withdraw counter affidavit as this has been erroneously been filed by Shri DK Pandey, Advocate. He is permitted to withdraw counter affidavit.</p> <p>3. Dr. Shailendra Sharma Atal, learned counsel for the respondents prays for and is allowed four weeks further time to file counter affidavit.</p> <p>4. List on 18.12.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 12)

O.A. No. 808 of 2023

Ex Sgt/MTD Indresh Kumar

Applicant

By Legal Practitioner for the Petitioner: Shri Vijay Kumar Pandey, Shri Girish Tiwari, Shri Dheerendra Kumar Agnihotri, Shri Sandeep Tripathi and Shri Vishnu Kant Awasthi, Advocates.

Ms. Supriya Srivastava, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>2. Counter and rejoinder affidavits filed by the parties are taken on record.</p> <p>3. Pleadings are complete.</p> <p>4. List on 20.12.2023 for final hearing.</p> <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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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 13)

O.A. No. 1001 of 2023 with M.A. No. 1332 of 2023

Vishal Singh S/o Santosh Singh Chauhan (Assam Rifles)

Applicant

By Legal Practitioner for the Applicant: Ms Pooja Tripathi, Shri Jharna Kumar and Shri Ambikesh Singh, Advocates.

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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, Ms pooja Tripathi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the applicant submits that she intends to file fresh amendment application. She prays for and is allowed two weeks further time to file amendment application.</p> <p>3. List on 18.12.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 14)

O.A. No. 1012 of 2023 with M.A. No. 1350 of 2023

Smt Rupali G Shinde

W/o late Sep Shinde Ghanshyam Ramchandra

Applicant

By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

Shri Anshuman Srivastava, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Manoj Kumar Awasthi, learned counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. Objection filed by learned counsel for the respondents is taken on record.</p> <p>3. Reply filed by the applicant is also taken on record.</p> <p>4. Learned counsel for the applicant submits that he is not prepared with the case today. He prays for adjournment.</p> <p>5. Accordingly, the case is passed over for the day.</p> <p>6. List on 18.12.2023.</p> <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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 15)

O.A. No. 1049 of 2023

Ex Ris Narendra Singh

Applicant

By Legal Practitioner for the Applicant: Shri KP Datta, Advocate

Versus

Union of India & Others

Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 KP Datta, Ld. Counsel for the appellant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed.</p> <p>3. Learned counsel for the respondents prays for and is allowed two weeks further time, as last opportunity, to file counter affidavit.</p> <p>4. List on 29.11.2023.</p> <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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 16)

O.A. (A) No. 626 of 2022

Sgt Suraj S Appellant
By Legal Practitioner for the Appellant: Shri Pankaj Kumar Shukla, Advocate
Shri Ravi Kumar Yadav, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Ms Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Pankaj Kumar Shukla, Ld. Counsel for the appellant and Ms Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. Reply to objection on amendment application and rejoinder affidavit has not been filed by learned counsel for the applicant.</p> <p>3. Learned counsel for the applicant prays for and is granted two weeks further time, as last opportunity, to file reply and rejoinder affidavit.</p> <p>4. List on 11.12.2023.</p> <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
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 17)

R.A. No. 60 of 2023 Inre T.A. No. 596 of 2010

Udai Veer Singh

Petitioner

By Legal Practitioner for the Petitioner: Petitioner in person.

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Udai Veer Singh, petitioner in person and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>2. This review application has been filed against order dated 11.08.2023 passed in T.A. No. 596 of 2010 by bench comprising Mr. Justice Rabindra Nath Kakkar and Maj Gen Sanjay Singh.</p> <p>3. List before the appropriate bench for hearing on 21.11.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 18)

T.A. No. 44 of 2022

Ex Cpl SP Dubey

Petitioner

By Legal Practitioner for the Petitioner: Shri....., Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Rajeev Narayan Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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, no one is present on behalf of the parties to represent the case. Departmental Representative for the respondents is present.</p> <p>2. Notice issued to the petitioner has received back with remarks as address not correct.</p> <p>3. Let notice be issued to petitioner's counsel who had filed his petition before Hon'ble High Court.</p> <p>4. List on 03.01.2024.</p> <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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 19)

T.A. No. 19 of 2023

Ex Pnr Persadi Lal

Petitioner

By Legal Practitioner for the Petitioner: Petitioner in person.

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>08.11.2023</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 Parijaat Belaura, Advocate on behalf of the petitioner is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p>2. On the case being taken up for hearing, Shri Parijaat Belaura, learned counsel for the petitioner and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Petitioner is also present.</p> <p>3. Learned counsel for the respondents submits that he is not in possession of copy of the petition. Learned counsel for the petitioner submits that he shall supply copy of petition to learned counsel for the respondents within two weeks.</p> <p>4. List on 13.12.2023.</p> <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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 20)

O.A. No. 164 of 2013 with M.A. No. 1406 of 2014

Warrant Officer Shashi Kant Chaturvedi Applicant
By Legal Practitioner for the Applicant: Shri KKS Bisht, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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, applicant in person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.2. Matter needs physical hearing.3. List on 11.12.2023 for physical hearing.4. Registry is directed to delete name of Shri KKS Bisht, Advocate as learned counsel for the applicant. <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
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 21)

O.A. No. 2 of 2017 alongwith O.A. No. 254 of 2016 (decided)

Ex Sub Maj Rashid Ali Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Yashpal Singh, learned counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.2. Learned counsel for the respondents submits that original documents are not available today.3. Respondents are directed to produce original documents for perusal of the bench on next date of listing.4. List on 20.12.2023.5. Copy of this order be provided to learned counsel for the respondents. <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</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. 241 of 2018

Anuj Singh

Applicant

By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Ms Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Yashpal Singh, learned counsel for the applicant and Ms Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. On request of learned counsel for the applicant the case is passed over for the day.</p> <p>3. List on 15.01.2024.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</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. 607 of 2020

Sep Prem Singh

Applicant

By Legal Practitioner for the Applicant: Shri KKS Bisht, Advocate
Shri Dinesh Kumar Pushkar, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri RC Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 KKS Bisht, learned counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>2. Supplementary counter affidavit has not been filed.</p> <p>3. Learned counsel for the respondents submits that supplementary counter affidavit is ready and it is being sent for vetting.</p> <p>4. Respondents are granted one week's more time as last opportunity to file supplementary counter affidavit.</p> <p>5. List on 15.12.2023.</p> <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
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 24)

O.A. No. 445 of 2021

Ex Sub (Hony Sub Maj) Ansuya Prasad Applicant
By Legal Practitioner for the Applicant: Shri Pradeep Kumar, Advocate
Shri Gopal Ji Khare, 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>08.11.2023</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 Pradeep Kumar, learned counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>2. On request of learned counsel for the applicant he is permitted to withdraw this case. He may approach before the appropriate forum.</p> <p>3. Accordingly, this case is dismissed as withdrawn.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 25)**

**R.A. No. 22 of 2023 with M.A. No. 332 of 2023
Inre O.A. No. 590 of 2017**

Sqn Ldr DH Prasad (Retd) & Others Applicants
By Legal Practitioner for the Applicants: Shri Vijay Kumar Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Vijay Kumar Pandey, learned counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.2. Objection on delay condonation application filed on behalf of the respondents is taken on record. Reply filed on behalf of the applicant is also taken on record.3. The applicant has filed this review application under Rule 18 (2) of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review of the order dated 13.09.2022 passed by this Tribunal in Original Application No. 590 of 2017. An application for condonation of delay has also been moved by the applicant for condonation of delay of 158 days in filing review application.4. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the day under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving review application beyond statutory period. Accordingly, application for condonation of delay in moving review application is not maintainable and is rejected.5. We have gone through the grounds and reasons indicated in the review application and have also gone through the judgment and order sought to be reviewed. The judgment and order sought to be reviewed was passed in proper prospective after considering all facts and circumstances and also in view of the several pronouncement of the Hon'ble Apex Court. No error apparent on the face of record has been shown to us so as to review the aforesaid judgment of this Court. The applicants are in receipt of their entitled pension as per orders on the subject. For convenience sake, operative portion of order dated 13.09.2022 is reproduced as under:- <p style="text-align: center;"><i>"17. In view of the above, we are of the view that the applicants have been granted/are in receipt of revised pension as per orders on the subject as enumerated in policy letter dated 07.11.2015</i></p>

and Circular dated 04.02.2016. Vide order dated 16.03.2022 the Hon'ble Supreme Court has held that the decision to use the average of the maximum and minimum salary drawn for the rank in 2013 as the base salary for older retirees was a policy decision. The Court cannot interfere with this policy decision, and it is better for such matters to be addressed by elected representatives."

6. Further, it is settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed vide Order 47, Rule 1 Sub rule (1) of the Code of Civil Procedure. Review is not an appeal in disguise. It is nowhere within the scope of review to recall any order passed earlier and to decide the case afresh. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-

"1. Application for review of judgment.- (1) any person considering himself aggrieved-
(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,
(b) by a decree or order from which no appeal is allowed, or
(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record , or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."

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

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

8. We have gone through the order sought to be reviewed and no mistake

or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

9. In the result, Review Application is **rejected** on delay as well as on merit.

(Maj Gen Sanjay Singh)
Member (A)

rathore

(Justice Anil Kumar)
Member (J)

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

R.A. No. 23 of 2023 with M.A. No. 334 of 2023
Inre O.A. No. 599 of 2017

Maj Rajendra Singh (Retd) & Ors Applicants
By Legal Practitioner for the Applicants: **Shri Vijay Kumar Pandey, Advocate**

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: **Ms Appoli Srivastava, Advocate**

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Shri Vijay Kumar Pandey, learned counsel for the applicants and Ms Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>2. The applicant has filed this review application under Rule 18 (2) of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review of the order dated 13.09.2022 passed by this Tribunal in Original Application No. 599 of 2017. An application for condonation of delay has also been moved by the applicant for condonation of delay of 135 days in filing review application.</p> <p>4. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the day under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving review application beyond statutory period. Accordingly, application for condonation of delay in moving review application is not maintainable and is rejected.</p> <p>5. We have gone through the grounds and reasons indicated in the review application and have also gone through the judgment and order sought to be reviewed. The judgment and order sought to be reviewed was passed in proper prospective after considering all facts and circumstances and also in view of the several pronouncement of the Hon'ble Apex Court. No error apparent on the face of record has been shown to us so as to review the aforesaid judgment of this Court. The applicants are in receipt of their entitled pension as per orders on the subject. For convenience sake, operative portion of order dated 13.09.2022 is reproduced as under:-</p> <p style="text-align: center;"><i>“17. In view of the above, we are of the view that the applicants have been granted/are in receipt of revised pension as per orders on the subject as enumerated in policy letter dated 07.11.2015 and Circular dated 04.02.2016. Vide order dated 16.03.2022 the Hon'ble Supreme Court has held that the decision to use the average of the maximum and minimum salary drawn for the rank in 2013 as the base salary for older retirees was a policy decision. The Court cannot interfere with this policy decision, and it is better for such matters to be addressed by elected representatives.”</i></p> <p>6. Further, it is settled proposition of law that the scope of the review is</p>

limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed vide Order 47, Rule 1 Sub rule (1) of the Code of Civil Procedure. Review is not an appeal in disguise. It is nowhere within the scope of review to recall any order passed earlier and to decide the case afresh. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-

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

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

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

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

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

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

8. We have gone through the order sought to be reviewed and no mistake or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

9. In the result, Review Application is **rejected** on delay as well as on merit.

(Maj Gen Sanjay Singh)
Member (A)

rathore

(Justice Anil Kumar)
Member (J)

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 27)

T.A. No. 3 of 2021

Ex Nk Clk Netrapal Singh

Petitioner

By Legal Practitioner for the Petitioner: Shri KK Misra, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>2. Petitioner present in person seeks adjournment on the ground that his counsel is out of station.</p> <p>3. On request of the petitioner the case is passed over for the day.</p> <p>4. List on 15.01.2024.</p> <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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 28)

T.A. No. 59 of 2022

Smt Sadhna Devi W/o late
Arbeshanker Rajdhari Yadav

Petitioner

By Legal Practitioner for the Petitioner: Shri Sudeshwar Maurya, Advocate
Shri DP Singh, Advocate
Shri Abhishek Yadav, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Somesh Singh, Advocate
Shri Sanjay Kumar Singh, Advocate
Shri Chandra Sewak, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Shri Sudeshwar Maurya, learned counsel for the petitioner and Shri Somesh Singh, Shri Sanjay Kumar Singh and Shri Chandra Sewak, Ld. Counsel for the respondents.</p> <p>2. Pleadings are complete and the case is ripe for hearing.</p> <p>3. List on 15.12.2023 for hearing.</p> <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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Supp No. 1)

O.A. No. 1317 of 2023 with M.A. No. 1913 of 2023

Ex Sub Japan Singh Applicant
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.11.2023</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 Namit Sharma, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p><u>M.A. No. 1913 of 2023</u></p> <p>2. This Original Application has been filed with delay of 03 months and 06 days.</p> <p>3. 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.</p> <p>4. Per contra, learned counsel for the respondents submits that delay has not been properly explained.</p> <p>5. Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents on delay condonation application.</p> <p>6. 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.</p> <p>7. Accordingly, delay in filing of application is condoned. Application stands decided accordingly.</p> <p><u>O.A. No. 1317 of 2023</u></p> <p>8. It is a fit case for adjudication.</p> <p>9. Admit.</p> <p>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.</p> <p>11. List on 03.01.2024.</p> <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>