

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

**O.A. No. 537 of 2023 with M.A. No. 658 of 2023**

**Ex WO (Hony Fg Offr) Kanta Prasad** Applicant  
By Legal Practitioner for the Applicant: Shri Keshav Sharma, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Memo of appearance filed by Shri Bipin Kumar Singh, 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>2. On the case being taken up for hearing, Shri Keshav Sharma, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p><b><u>M.A. No. 658 of 2023</u></b></p> <p>3. This application has been filed for condonation of delay in filing O.A. As per office report there is no delay in filing O.A., hence M.A. No. 658 of 2023 is dismissed being not required.</p> <p><b><u>O.A. No. 537 of 2023</u></b></p> <p>4. This application has been filed for grant of notional increment which needs adjudication.</p> <p>5. Admit.</p> <p>6. Learned counsel for the applicant prays for and is allowed four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks next.</p> <p>7. List on <b>01.08.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**O.A. No. 542 of 2023 with M.A. No. 663 of 2023**

**Ex Hony Nb Sub Santosh Kumar** Applicant  
By Legal Practitioner for the Applicant: Shri Ashok Kumar, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Memo of appearance filed by Dr. Chet Narayan Singh, 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>2. On the case being taken up for hearing, Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>3. There is delay of 14 years, 10 months and 22 days in filing O.A. Learned counsel for the applicant has moved application for condonation of delay in filing O.A.</p> <p>4. Learned counsel for the respondents prays for and is granted four weeks time to file objection on delay condonation application.</p> <p>5. List on <b>01.08.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**

**Court No.2 (Sl. No. 3)**

**M.A. No. 670 of 2023 with M.A. No. 671 of 2023 Inre O.A. No. 22 of 2022**

**Union of India & Others**  
By Legal Practitioner for the  
Applicant-respondents

Applicant-respondents  
: Shri Ashish Kumar Singh, Advocate

**Versus**

**Sub (PA) Digar Singh Bisht**  
By Legal Practitioner for the  
Respondent-applicant

Respondent-respondent  
: Shri.....,Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Shri Ashish Kumar Singh, Ld. Counsel for the applicant-respondents.</p> <p><b><u>M.A. No. 670 of 2023</u></b></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 03 months and 04 days in filing leave to appeal.</p> <p>4. Submission of learned counsel for the applicant-respondents is that delay in filing leave to appeal is not deliberate. His further submission is that the delay caused due to departmental correspondence. Thus, his submission is that delay is not deliberate, but for the reasons stated in affidavit filed in support of delay condonation application. His further submission is that delay of 03 months and 04 days has caused in processing the case for filing of present application.</p> <p>5. We have gone through the affidavit filed in support of delay condonation application and we find that the ground 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><b><u>M.A. No. 671 of 2023</u></b></p> <p>6. 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 04.01.2023 of this Tribunal passed in O.A. No. 22 of 2022.</p> <p>7. After perusing the order impugned, we find that there is no point of law of general public importance involved in this case for grant of leave to appeal.</p> <p>8. Accordingly, leave to appeal is <b>rejected</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 4)

M.A. No. 672 of 2023 with M.A. No. 673 of 2023 Inre O.A. No. 343 of 2022

**Union of India & Others**  
By Legal Practitioner for the  
Applicant-respondents

Applicant-respondents  
:Dr. Gyan Singh, Advocate

**Versus**

**Ex Nk Rajendra Prasad**  
By Legal Practitioner for the  
Respondent-applicant

Respondent-applicant  
:Shri ....., Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1 Heard Shri Gyan Singh, Ld. Counsel for the applicant-respondents.</p> <p>2. On request of learned counsel for the applicant-respondents the case is adjourned.</p> <p>3. List on <b>01.06.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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**Court No.2 (Sl. No. 5)**

**EX- A. No. 93 of 2019 Inre O.A. No. 481 of 2018**

**Dushyant Singh**

Applicant

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

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri RKS Chauhan, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Santosh Singh, Ld. Counsel for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents submits that Part-II Order in this case has been published. He prays for and is granted 03 weeks further time to seek instructions and file affidavit of compliance.</p> <p>3. List on <b>03.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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**Court No.2 (Sl. No. 6)**

**EX- A. No. 19 of 2021 Inre O.A. No. 553 of 2018**

**Ex Sep Ram Otar Singh**

Applicant

By Legal Practitioner for the Applicant: Shri RK Sharma, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Anurag Mishra, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p>2. Affidavit of compliance has already been filed by the respondents in which it is submitted that order passed has been complied with in letter and spirit.</p> <p>3. Time was granted to learned counsel for the applicant to file objection, if any, on affidavit of compliance but no objection has been filed.</p> <p>4. On call of the case no one appeared on behalf of the applicant.</p> <p>5. Order has been complied with hence application has become infructuous. Accordingly, execution application is dismissed being infructuous.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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**Court No.2 (Sl. No. 7)**

**EX- A. No. 120 of 2022 Inre O.A. No. 306 of 2021**

**EX Sep Birender Rai**

Applicant

By Legal Practitioner for the Applicant: Shri R Chandra, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Shyam Singh, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri R Chandra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents assisted by Shri Rajiv Tiwari, Accts Officer, PCDA (P) Allahabad are present.</p> <p>2. On request of learned counsel for the respondents, three weeks further time is allowed to file affidavit of compliance failing which the officer responsible for implementation of order shall be present before the Bench to clarify the position.</p> <p>3. List on <b>12.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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**Court No.2 (Sl. No. 8)**

**EX- A. No. 135 of 2022**

**Ex Gdsm Rohitaswa Verma** Applicant  
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. As prayed, three weeks further time is allowed to learned counsel for the respondents to file affidavit of compliance.</p> <p>3. List on <b>12.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>



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**Court No.2 (Sl. No. 9)**

**EX- A. No. 152 of 2022 Inre O.A. No. 21 of 2018**

**Ex Nk/ SKT Uma Shankar Yagnik** Applicant  
By Legal Practitioner for the Applicant: Col AK Srivastava (Retd), Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Col AK Srivastava (Retd), 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 in compliance of order under execution Release Medical Board (RMB) has already been conducted. He prays for and is allowed two weeks further time to file affidavit of compliance alongwith copy of RMB.</p> <p>3. List on <b>12.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

EX-A. No. 192 of 2022 Inre R.A. No. 11 of 2022 Inre O.A. No.438 of 2019

**EX Hav Kamal Dev Yadav** Applicant  
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>2. As prayed by learned counsel for the respondents, three weeks further time is granted to file affidavit of compliance.</p> <p>3. List on <b>17.07.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**EX-A. No. 214 of 2022 Inre O.A. No. 500 of 2021**

**Ex Hav Bhola Prasad Yadav** Applicant  
By Legal Practitioner for the Applicant: Shri Ravi Kumar Yadav, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Kaushik Chatterjee, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>2. As prayed by learned counsel for the respondents, three weeks further time is allowed to file compliance report on payment of additional cost of Rs 10,000/-.</p> <p>3. List on <b>17.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 12)**

**EX-A. No. 221 of 2022 Inre: O.A. No. 688 of 2021**

**Ex Nk Neerpal Singh** Applicant  
By Legal Practitioner for the Applicant: Shri R Chandra, Advocate

**Versus**

**Union of India & Others**

**Respondents**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri R Chandra, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents are present.</p> <p>2. On 24.04.2023 direction was passed to learned counsel for the applicant to file objection on letter dated 24.04.2023, which has not been filed.</p> <p>3. In above mentioned letter it is submitted that 'applicant is already in receipt of invalid pension notified vide PCDA (P), Prayagraj PPO No 19420210437/0200 which is equal to service pension, hence, there is no question arise to grant him second service pension twice by condoning the shortfall period'.</p> <p>4. Applicant is directed to clarify the above submission made by learned counsel for the respondents by the next date fixed.</p> <p>5. List on <b>26.07.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> <b>Member (A)</b> <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> <b>Member (J)</b></p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 13)

EX- A. No.281 of 2022 Inre Ex-A. No. 67 of 2019 Inre T.A No. 1278 of 2010

**Sep/NA VV Khedkar Rao (Retd)**

Applicant

By Legal Practitioner for the Applicant: Shri Mahendra Kumar Singh, Advocate  
Shri Shailendra Kumar Singh, Advocate

**Versus**

**Chief of Army Staff & Others**

Respondents

By Legal Practitioner for Respondents: Shri Kaushik Chatterjee, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri R Chandra, Advocate holding brief for Shri Mahendra Kumar Singh and Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee , Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents prays for and is granted two weeks time to file reply.</p> <p>3. List on <b>18.07.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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**Court No.2 (Sl. No. 14)**

**O.A. No. 233 of 2022**

**Ex Hony Sub Maj Ajay Kumar** Applicant  
By Legal Practitioner for the Applicant: Shri Om Prakash Kushwaha, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Namit Sharma, Ld. Counsel for the respondents is present.</p> <p>2. Vide order dated 24.04.2023 last opportunity to file rejoinder affidavit was granted but the same has not been filed. Today, none is present on behalf of the applicant, therefore, opportunity to file rejoinder affidavit is closed.</p> <p>3. Pleadings are complete and the case is ripe for hearing.</p> <p>4. List on <b>28.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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**Court No.2 (Sl. No. 15)**

**O.A. No. 533 of 2022**

**Ex Hav (Hony Nb Sub) Ram Prakash Singh & 4 Others** Applicants  
By Legal Practitioner for the Applicants: Shri Vijay Kumar Pandey, Advocate  
Shri Girish Tiwari, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. On request of learned counsel for the applicant four weeks further time is granted to file rejoinder affidavit.</p> <p>3. List on <b>24.08.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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**Court No.2 (Sl. No. 16)**

**O.A. No. 52 of 2023**

**Ex L/Nk Abu Talib Anwar**

Applicant

By Legal Practitioner for the Applicant: Shri Gaurav Gupta, Advocate

**Versus**

**Union of India & Others**

Respondents

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Gaurav Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit on behalf of the respondents is taken on record. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>3. List on <b>24.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>



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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 17)**

**O.A. No. 97 of 2023**

**Sub Maj Ajad Singh**

Applicant

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

**Versus**

**Union of India & Others**

Respondents

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Shri KK Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>2. This O.A. has been filed with prayer to stop the contemplated discharge of the applicant due to being placed in low medical category.</p> <p>3. The respondents have filed objection on maintainability and admission of this O.A.</p> <p>4. Learned counsel for the applicant has filed reply of objection filed by the respondents on maintainability of the O.A. which is taken on record.</p> <p>5. Learned counsel for the respondents contended that O.A. has been filed without availing the statutory remedy available with the applicant and provisions of Section 21 of the Armed Forces Tribunal Act, 2007 have not been complied with. It is also submitted that applicant has never levelled allegations against the respondents at any forum before filing of this O.A. and as such the applicant is trying to misuse and abuse the judicial process which does not deserve to be entertained by this Tribunal.</p> <p>5. Learned counsel for the applicant submitted that the applicant personally met the Commanding Officer of the unit to know the reason for his contemplated discharge from service and requested to allow him to continue in service. He has also submitted that a written appeal dated 18/19 December 2022 has also been preferred through his wife to Chief of the Army Staff, Army Headquarters, New Delhi. It is further submitted that after a gap of one month applicant met with Commanding Officer and also wrote a letter to the Commanding Officer requesting him not to discharge him. On 20.03.2023 applicant submitted an appeal through his wife to the Secretary, Min of Defence, New Delhi.</p> <p>6. It is provided in Section 21 of AFT Act, 2007 that the Tribunal shall not</p>

ordinarily admit an application unless it is satisfied that the applicant had availed of the remedies available to him under the Army Act. Before filing this O.A. there was a remedy of statutory complaint under Section 26 of the Army Act, 1950.

7. It is submitted by learned counsel for the applicant that for availing remedy of statutory complaint applicant personally met with the Commanding Officer and submitted written appeal dated 19.12.2022 and once again made an oral and written request for continuance of his service. This O.A. has been filed only after one month after submission of statutory appeal to Chief of the Army Staff without waiting for final order of his statutory complaint or six months as provided under Section 21 (2) of the AFT Act, 2007. Learned counsel for the applicant further submitted that applicant wrote letter to Commanding Officer in February, 2023 and after that on 20.03.2023 through his wife to Secy, MOD but all these letters/appeals are after filing of O.A., therefore they cannot be deemed as availing statutory remedy before filing O.A.

8. In view of the above, O.A. is not maintainable at this stage and is liable to be rejected.

9. It is accordingly, **rejected**.

**(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. 18)**

**T.A. No. 65 of 2022**

**Pnr Ramashankar Ram S/o Garjan** Petitioner  
By Legal Practitioner for the Petitioner: Shri Virat Anand Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Chet Narayan Singh, Advocate  
Shri Vinod Kumar Singh, Advocate  
Shri Ashutosh Kumar Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Ashok Kumar, Advocate holding brief for Shri Virat Anand Singh, Ld. Counsel for the Petitioner and Shri Chet Narayan Singh, learned counsel for the respondent No 1 and 4, and Shri Ashutosh Kumar Srivastava, Ld. Counsel for the respondent No 2 and 3 are present.</p> <p>2. None is present on behalf of respondent No 5.</p> <p>3. On request of learned counsel for the respondent No 1 and 4 four weeks time is allowed to file counter affidavit.</p> <p>4. Learned counsel for the petitioner is directed to provide paper book to learned counsel for the respondent No 1 and 4 within a week.</p> <p>5. List on <b>26.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 19)**

**O.A. No. 130 of 2017**

**Ashok Kumar Kushwaha** Applicant  
By Legal Practitioner for the Applicant: Shri Sachindra Pratap Singh, Advocate  
Shri Yashpal Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Kaushik Chatterji, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents.</p> <p>2. Arguments heard.</p> <p>3. Order is reserved.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> 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. 752 of 2020**

**Dhakne Deepak Babanrao** Applicant  
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. 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>2. Supplementary affidavit filed by learned counsel for the applicant is taken on record.</p> <p>3. Respondents are directed to file leave record within a week.</p> <p>4. List on <b>28.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> 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. 836 of 2022

**Ketaki Ranjan Nath** Applicant  
By Legal Practitioner for the Applicant: Shri Ashok Kumar, Advocate

**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><b><u>12.05.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</li><li>2. Rejoinder affidavit filed by the applicant is taken on record.</li><li>3. Arguments heard.</li><li>4. Order is reserved.</li></ol> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>