

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

O.A. No. 555 of 2023 with M.A. No. 690 of 2023

Ex Sub (Hony Lt) Rakesh Kumar Applicant
By Legal Practitioner for the Applicant: Shri KP Datta, 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>17.05.2023</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 Amit Jaiswal, 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. 690 of 2023</u></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is delay of 05 years, 05 months and 21 days in filing Original Application.</p> <p>4. Heard Shri KP Datta, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents on delay condonation application.</p> <p>5. 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 for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>7. 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>8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 555 of 2023</u></p> <p>9. Matter needs adjudication.</p> <p>10. Admit.</p> <p>11. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>12. List on 17.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 556 of 2023 with M.A. No. 691 of 2023

Ex POME Anil 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 Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>17.05.2023</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 Arun Kumar Sahu, 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. 691 of 2023</u></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is delay of 05 months and 12 days in filing Original Application.</p> <p>4. Heard Shri Manish Kumar Rai, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents on delay condonation application.</p> <p>5. 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 for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>7. 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>8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 556 of 2023</u></p> <p>9. Matter needs adjudication.</p> <p>10. Admit.</p>

11. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.

12. Submission of learned counsel for the applicant is that applicant's name has incorrectly been mentioned in the cause list. He submitted that applicant's correct name is Anil Kumar Ray but in cause list Anil Kumar is mentioned which may be corrected.

13. We have gone through the record and we find that applicant's correct name is Anil Kumar Ray which registry is directed to correct.

14. Applicant has also made a prayer to grant interim relief against recovery of the amount of Rs 48,410/-. It is submitted by learned counsel for the applicant that applicant was discharged from service on 28.02.2015 i.e. more than 07 years before the filing of this O.A. Notice has not been issued regarding any deduction from pension.

15. Keeping in view the fact that the recovery from pension has been initiated without any prior notice or providing any opportunity of hearing, we, in the interest of justice, suspend the recovery from pension till the next date of listing and direct the respondents to continue to pay the full pension to the applicant.

16. List on **18.07.2023**.

17. A copy of this order shall be given to learned counsel for the respondents free of cost.

(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. 3)

O.A. No. 557 of 2023 with M.A. No. 692 of 2023

Ex PORTAC Gopal Krishna Gokhale Applicant
By Legal Practitioner for the Applicant: 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>17.05.2023</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 Mrs Anju Singh, Advocate on behalf of the respondents is taken on record. Her name shall be shown in the cause list when the case is listed next.</p> <p><u>M.A. No. 692 of 2023</u></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is a delay of 08 months and 09 days in filing Original Application.</p> <p>4. Heard Shri Manish Kumar Rai, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents on delay condonation application.</p> <p>5. 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 for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>7. 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>8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 557 of 2023</u></p> <p>9. Matter needs adjudication.</p> <p>10. Admit.</p> <p>11. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>12. Let notice be issued to respondent No 6 returnable within four weeks.</p> <p>13. Steps within a week.</p> <p>12. List on 18.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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. 4)

O.A. No. 558 of 2023 with M.A. No. 693 of 2023

Ex PO GI (S) Kushi Ram Chamoli

Applicant

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

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>17.05.2023</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 Rajiv Pandey, 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. 693 of 2023</u></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is a delay of 08 months and 09 days in filing Original Application.</p> <p>4. Heard Shri Manish Kumar Rai, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents on delay condonation application.</p> <p>5. 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 for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>7. 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>8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 558 of 2023</u></p> <p>9. Matter needs adjudication.</p> <p>10. Admit.</p> <p>11. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>12. Let notice be issued to respondent No 6 returnable within four weeks.</p> <p>13. Steps within a week.</p> <p>14. List on 18.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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ORDER SHEET

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

O.A. No. 560 of 2023 with M.A. No. 695 of 2023

Ex POELP Ravinder 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>17.05.2023</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 Amit Jaiswal, 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. 695 of 2023</u></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is a delay of 08 months and 09 days in filing Original Application.</p> <p>4. Heard Shri Manish Kumar Rai, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents on delay condonation application.</p> <p>5. 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 for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>7. 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>8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 560 of 2023</u></p> <p>9. Matter needs adjudication.</p> <p>10. Admit.</p>

11. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.

12. Applicant has also made a prayer to grant interim relief against recovery of the amount of Rs 1,43,610/- for which an amount of Rs 12,020/- p.m. is being deducted from his pension w.e.f. August, 2022. It is submitted by learned counsel for the applicant that applicant was discharged on 28.02.2015 i.e. more than 07 years before the filing of this O.A. Notice has not been issued regarding any deduction from pension.

13. Keeping in view the fact that the recovery from pension has been initiated without any prior notice or providing any opportunity of hearing, we, in the interest of justice, suspend the recovery from pension and direct the respondents to continue to pay the full pension of the applicant during pendency of the O.A.

14. List on **18.07.2023**.

15. A copy of this order shall be given to learned counsel for the respondents free of cost.

(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)

EX- A. No. 127 of 2023 Inre O.A. No. 670 of 2020

Uday Bhan

Applicant

By Legal Practitioner for the Applicant: Shri Ashok Kumar, 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>17.05.2023</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 DK Pandey, 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 Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p>3. This fresh execution application has been filed for execution of order dated 09.05.2022 passed by this Tribunal in O.A. No. 670 of 2020.</p> <p>4. Learned counsel for the respondents prays for and is allowed four weeks time to seek instructions and file affidavit of compliance.</p> <p>5. List on 17.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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Court No.2 (Sl. No. 7)

EX – A. No. 272 of 2022 Inre O.A. No. 637 of 2020

MWO (HFO) Surya Bhan Singh (Retd) Applicant
By Legal Practitioner for the Applicant: Shri Shailendra Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>17.05.2023</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 Shailendra Kumar Singh, Ld. Counsel for the applicant is present. Learned counsel for the respondents is not present.</p> <p>2. Objection against compliance report has not been filed. Learned counsel for the applicant prays for and is granted two weeks further time to file objection.</p> <p>3. List on 11.08.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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. 8)

O.A. No. 303 of 2022

Smt Uma, W/o Ex Nk Hargovind Singh Applicant
By Legal Practitioner for the Applicant: Shri Vinay Pandey, Advocate
Shri Prasoon Kumar Anjor, 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>17.05.2023</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 Vinay Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the applicant submits that he does not intend to file rejoinder affidavit.</p> <p>3. Heard learned counsel for the parties.</p> <p>4. On request of learned counsel for the respondents list this case on <u>19.05.2023.</u></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. 9)

O.A. No. 691 of 2022

Smt Om Prabha Devi, M/o Late Ex Sigmn Sachin Kumar Pal Applicant
By Legal Practitioner for the Applicant: Shri KKS Bisht, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>17.05.2023</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. None is present on behalf of the parties.2. Rejoinder affidavit has not been filed. Today none is present on behalf of the applicant, therefore, opportunity to file rejoinder affidavit is closed.3. Pleadings are complete and the case is ripe for hearing.4. List on 11.08.2023 for hearing. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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. 10)

O.A. No. 779 of 2022

Ex Sgt MD Mumtaj Alam

Applicant

By Legal Practitioner for the Applicant: Shri Deepak Kumar, Advocate
Shri Vishal Saxena, 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>17.05.2023</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. Learned counsel for the applicant is not present.</p> <p>2. Counter affidavit filed on behalf of the respondents is taken on record.</p> <p>3. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>4. List on 11.08.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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. 11)

O.A. No. 1079 of 2022

Chandra Kali Devi, W/o Late Ex LS Narendra Singh Applicant
By Legal Practitioner for the Applicant: Shri Sharad Kumar Srivastava, 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>17.05.2023</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 Amit Jaiswal, Ld. Counsel for the respondents is present. Learned counsel for the applicant is not present.</p> <p>2. Counter affidavit has not been filed. On request of learned counsel for the respondents four weeks further time is granted to file counter affidavit.</p> <p>3. List on 14.08.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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. 233 of 2023

Pramod Kumar S/o Late Ex Sep Indra Pal Applicant
By Legal Practitioner for the Applicant: Shri Ashok Kumar, 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>17.05.2023</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, Mrs. Anju Singh, Ld. Counsel for the respondent No 1 to 3 and Shri Saket Srivastava, Ld. Counsel for the respondent No 4 are present. No one is present for the applicant.</p> <p>2. Shri Saket Srivastava, Advocate submits that he will file Vakalatnama on behalf of respondent No 4. Vakalatnama may be filed within a week.</p> <p>3. Respondents prays for and are allowed a week's time for filing counter affidavit.</p> <p>3. List on 14.08.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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. 13)

O.A. No. 252 of 2023 with M.A. No. 265 of 2023

Ex Swr Dharmendra Singh

Applicant

By Legal Practitioner for the Applicant: Shri VP Pandey, Advocate
Shri Rakesh Kumar Singh, Advocate
Maj SM Mustafa (Retd), 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>17.05.2023</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 VP Pandey, and Maj SM Mustafa (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.2. Objection on delay condonation application filed by the respondents is taken on record.3. Learned counsel for the applicant prays for and is allowed two weeks time to file reply to objection.4. List on 14.08.2023. <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(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. 14)

O.A. No. 364 of 2023 with M.A. No. 427 of 2023

Ramesh Singh S/o Late Ex Nk Gopal Singh Applicant
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>17.05.2023</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 Ram Saran Awasthi, Ld. Counsel for the respondents is present. Learned counsel for the applicant is not present.</p> <p>2. Objection on delay condonation application filed by the respondents is taken on record.</p> <p><u>M.A. No. 427 of 2023</u></p> <p>3. This is an application for condonation of delay in filing Original Application.</p> <p>4. As per office report, there is a delay of 16 years, 03 months and 25 days in filing Original Application.</p> <p>5. Heard Shri Ram Saran Awasthi, learned counsel for the respondents on delay condonation application.</p> <p>6. 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 for the reasons stated in affidavit filed in support of application.</p> <p>7. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>8. 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>9. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 364 of 2023</u></p> <p>10. Matter needs adjudication.</p> <p>11. Admit.</p> <p>12. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>13. List on 14.08.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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. 15)

O.A. No. 366 of 2023 with M.A. No. 429 of 2023

Ex Hav Anal Kumar

Applicant

By Legal Practitioner for the Applicant: Shri VP Pandey, Advocate, Shri Rakesh Kumar Singh, Advocate and Maj SM Mustafa (Retd), 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>17.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Objection on delay condonation application has not been filed.</p> <p><u>M.A. No. 429 of 2023</u></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is a delay of 13 years, 08 months and 07 days in filing Original Application.</p> <p>4. Heard Shri VP Pandey and Maj SM Mustafa (Retd), learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents on delay condonation application.</p> <p>5. 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 for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>7. 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>9. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 366 of 2023</u></p> <p>8. Matter needs adjudication.</p> <p>9. Admit.</p> <p>10. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>11. List on 14.08.2023.</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. No. 423 of 2020

Ex Sub Sarvesh Singh Applicant
By Legal Practitioner for the Applicant: Wg Cdr SN Dwivedi (Retd), Advocate

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>17.05.2023</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, Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>2. On request of learned counsel for the respondents the case is adjourned.</p> <p>3. List on 28.08.2023 for hearing.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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)

O.A. No. 739 of 2021

Umesh Singh Yadav Applicant
By Legal Practitioner for the Applicant: Col AK Srivastava (Retd), Advocate
Ms. Hemlata, Advocate
Shri Amrendu Srivastava, Advocate

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>17.05.2023</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), Ms. Hemlata and Shri Amrendu Srivastava, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>2. Rejoinder affidavit filed by the applicant is taken on record.</p> <p>3. Pleadings are complete and the case is ripe for hearing.</p> <p>4. List on 23.05.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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)

O.A. No. 3 of 2022

Ex Nb Sub Ramesh Kumar Applicant
By Legal Practitioner for the Applicant: Shri Virat Anand Singh, Advocate

Versus

Chief of Air Staff & Others Respondents
By Legal Practitioner for Respondents: Shri Jay Narayan Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>17.05.2023</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 Virat Anand Singh, Ld. Counsel for the applicant and Shri Jay Narayan Mishra, Ld. Counsel for the respondents are present.</p> <p>2. Rejoinder affidavit has not been filed.</p> <p>3. Heard learned counsel for the parties.</p> <p>4. List on 16.08.2023 as part heard case.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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)

O.A. No. 403 of 2022

Ex Sub/ Clk Dipak Kar

Applicant

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

Versus

Chief of Air Staff & Others

Respondents

By Legal Practitioner for Respondents: Shri GS Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>17.05.2023</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 KP Datta, Ld. Counsel for the applicant.2. Learned counsel for the respondents is not present to address the court.3. List on 16.08.2023 as part heard case. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(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. 821 of 2022

Ex Swr Mithilesh Kumar Yadav

Applicant

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

Versus

Chief of Air Staff & Others

Respondents

By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>17.05.2023</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 applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>2. As prayed by learned counsel for the respondents two weeks further time is granted to file supplementary counter affidavit alongwith relevant documents mentioned in counter affidavit.</p> <p>3. List on 16.08.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>