

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)**O.A. No. 306 of 2015****Santokh Singh**

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri S.N. Ojha, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents along with Wg Cdr Sardul Singh, Departmental Representative.</p> <p>Heard learned counsel for the parties and perused the record.</p> <p>Chief Judicial magistrate, Allahabad has forwarded a report received from Police Station concerned that Santokh Singh is the son of late Savinder Singh and Santokh Singh and Santosh Singh is the same person. On this ground alone the family pension of the applicant was stopped to the applicant.</p> <p>Keeping in view the identity established from the report of the Chief Judicial Magistrate, Allahabad, we allow grant of family pension to the petitioner. So far as the date of birth is concerned, it shall be ascertained from the High School Certificate. The applicant is directed to approach the respondents alongwith the High School Certificate for payment of family pension, which shall be considered by the respondents as per date of birth mentioned in the High School Certificate of the applicant. The applicant shall complete all necessary formalities as require under law to avail pensionary benefits.</p> <p>With the aforesaid directions, Original Application is disposed of finally.</p> <p>In case the applicant becomes over-age, he shall be paid arrears of pension as applicable as per law within four months from the date of production of certified copy of this order.</p> <p>It is clarified that the present order is only for payment of pensionary benefits and we are not adjudicating any dispute with regard to the right and title which arises in the family in due course of time, since it falls within the jurisdiction of Civil Court.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)**O.A. No. 81 of 2016 with M.A. No. 1564 of 2016****Mahendra Sharma**

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Major Salen Xaxa, Departmental Representative for the respondents.</p> <p>Heard learned counsel for the parties and perused the record.</p> <p>This original application has been filed by the applicant under Section 14 of the Armed Forces Tribunal for holding Re-survey Medical Board. The applicant has claimed following relief:-</p> <p>“(i) The Hon'ble Tribunal may kindly be pleased to direct the respondents to held a Review Medical Board/ Reassessment Medical Board to review of percentage of disability under the provisions of Govt of India, Min of Defence letter No1(2)/97/D(Pen-C) dated 07/02/2001. Further if applicant needs attendant then attendance allowance also be recommended by Review Medical Board/ Reassessment Medical Board as per Rule in vogue.</p> <p>(ii) Any other appropriate order or direction which the Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case.”</p> <p>Keeping in view the fact that only question involved in this application is conduct of Review Medical Board to review the percentage of disability, we dispose of this application finally with the direction to the respondents to hold Review Medical Board expeditiously say within two months from the date of production of certified copy of this order and submit compliance report by the date fixed. OIC, Legal Cell shall communicate this order to authority concerned.</p> <p>List this case on 02.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>