

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 185 of 2016

Gun Bahadur 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>02.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>O.A. No. 185 of 2016, Gun Bahadur Singh vs. Union of India and others is allowed.</p> <p>For order, see our order of date passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 433 of 2012 with M.A. No. 770 of 2017

Ram Sajiwan

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>02.05.2017</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 O.P. Kushwaha, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 770 of 2017</u></p> <p>Supplementary counter affidavit filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file supplementary rejoinder affidavit.</p> <p>List this case on 26.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 20 of 2016 with M.A. No. 2248 of 2016 & M.A. No. 771 of 2017

Bal Krishna M

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>02.05.2017</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: The applicant, Shri Bal Krishna M, in person and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 771 of 2017</u></p> <p>Supplementary counter affidavit filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Let supplementary rejoinder affidavit be filed by the applicant within four weeks.</p> <p>List this case on 19.07.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 21 of 2012

Ram Naresh Dubey

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 P.N. Chaturvedi, learned counsel for the petitioner and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>This case seems to be part heard case. Accordingly, list this case on 03.05.2017 for hearing in List (A).</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 496 of 2017 Inre T.A. No. 185 of 2009

Vijay Kumar Yadav

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 P.N. Chaturvedi, learned counsel for the petitioner and Dr. Chet Narain Singh, learned counsel for the respondents.</p> <p>Receipt of cost for Rs. 200/-, deposited by learned counsel for the petitioner is taken on record. The case is restored to its original number.</p> <p>From perusal of record, it is seen that copy of counter affidavit is not on record. Let it be filed by learned counsel for the respondents, duly supported with an affidavit, within two weeks.</p> <p>List this case on 26.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 285 of 2013

Smt. Sunita Devi

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>02.05.2017</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 V.P. Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents and Shri R. Chandra, learned counsel for Respondent No. 6.</p> <p>The present case relates to dispute between the wife of the deceased army person and mother with regard to sharing of post retirement dues.</p> <p>It has been informed by learned counsel for the applicant that wife of the deceased soldier is issueless. He further submits that the matter be settled amicably to create a cordial situation. Accordingly, both the applicant and respondents to appear in person on 07.07.2017 for mutual settlement or mediation with their consent.</p> <p>List this case on 07.07.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 164 of 2014

Ram Sunder Prasad

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>02.05.2017</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 M.K. Singh, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>We have perused the record. Though the service record contains an endorsement of 01.12.2000 that the applicant has been dismissed from service by the Commandant AMC Centre, Lucknow in accordance with Army Act 1950 and Army Order 439 of 1963, but the order of dismissal seems to be not on record. Dismissal order should have been prepared and served in accordance with provisions contained in Section 23 of Army Act.</p> <p>Let the respondents to file an affidavit inclosing the order of the dismissal and indicating the date of its service on the applicant or brought on record the status of the dismissal order.</p> <p>List this case on 10.07.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 219 of 2015

Kamta Prasad

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>02.05.2017</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 O.P. Kushwaha, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, Shri O.P. Kushwaha states that Shri A.K. Maurya, Advocate is out of station and prays for adjournment of the case. Learned counsel for the respondents has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 13.07.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

**M.A.No. 754 of 2017 With No. 755 of 2017
In O.A.No. 78 of 2016**

Shiv kumar

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>02.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Amit Jaiswal, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri Om Prakash Kushwaha, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>M.A. No. 754 of 2017 with No.755 of 2017</u></p> <p>This is an application for recall of the order dated 02.03.2017 passed in O.A.No.78 of 2016 dismissing the Original Application for non prosecution.</p> <p>After hearing the learned counsel for the parties, we condone the delay in filing the recall application and the order dated 02.03.2017 passed in O.A. No.78 of 2016 dismissing the Original Application for non prosecution is hereby recalled, subject to payment of cost of Rs.500/-, which shall be deposited in the Bar Association, AFT, Lucknow within a week.</p> <p>Controversy relates to payment of pension of rank of Junior Warrant Officer.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p>Admit.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p>

List this case on **13.07.2017** for orders showing the name of Shri Amit Jaiswal as learned counsel for the respondents.

Registry shall correct the name of the applicant as Shiv Kumar Singh in place of Shiv Kumar.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice D.P. Singh)
Member (J)

PKG

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

**DY-No.2005 of 2016 with M.A.Nos.2102, 2201 of 2016 and M.A.No.344 of 2017
inre OA No. Nil of 2016**

Jitendra Kumar

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>02.05.2017</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 Alok Mishra, learned counsel for the applicant and Dr Gyan Singh, learned counsel for the respondents.</p> <p>Objection against the application for amendment filed by Dr. Gyan Singh, learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to file reply to it.</p> <p>List this case on 14.07.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

EX-A. No.221 of 2016
Inre T.A. No.1026 of 2010

Bhairun Singh
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal is taken on record.</p> <p>Present: Ms Manisha Chaturvedi, learned counsel for the petitioner and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>EX-A No.221 of 2016</u></p> <p>Compliance report alongwith the copy of PPO filed by the learned counsel for the respondents is taken on record.</p> <p>From perusal of the compliance report and as also stated by the learned counsel for the respondents, it is evident that necessary PPO regarding the disability pension in respect of the petitioner has been issued to the bank concerned.</p> <p>Accordingly, it is directed that the bank concerned shall release the outstanding dues to the petitioner within one month from its communication.</p> <p>Subject to the above, this Execution Application is disposed of accordingly.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No.2306 of 2016 with M.A. No. 342 of 2017

Inre O.A. No. 26 of 2014

Jagdamba Prasad Tiwari

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>02.05.2017</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 Udai Bhan Pandey, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>Compliance report filed by the learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant submits that Review Medical Board has not been held.</p> <p>List this case on 17.07.2017 for orders to enable the learned counsel for the respondents to seek instructions as to why the Review Medical Board of the applicant has not been held in compliance of the orders dated 19th November 2015 passed by the Tribunal in O.A. no.26 of 2014.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>PKG</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 138 of 2017

Inre O.A. No. Nil of 2017

Akhilesh Kumar Pandey

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>02.05.2017</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 Shailendra Kumar Singh, learned counsel for the applicant and Shri Mohd Zafar Khan, learned counsel for the respondents.</p> <p><u>M.A. No. 138 of 2017</u></p> <p>Objection against the application for condonation of delay filed by Shri Mohd Zafar Khan, learned counsel for the respondents is taken on record. Application aforesaid stand disposed of.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to file reply to it.</p> <p>List this case on 11.08.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 266 of 2015 with M.A. Nos. 1968. 2377 of 2016

Hari Bahadur

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>02.05.2017</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 VP Pandey, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p><u>M.A. No. 1968 of 2016</u></p> <p>This is an application for condonation of delay in filing the original application which as per office report is delayed by 13 years and 29 days.</p> <p>Matter relates to denial of disability pension. Grant of pension is recurring cause of action. The reasons given in the affidavit filed in support of application for condonation of delay seem to be genuine. In the interest of justice, the delay in filing the Original Application is hereby condoned. Objection raised by the learned counsel for the respondents is rejected.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks' thereafter.</p> <p>With the consent of learned counsel for the parties, list this case on 28.06.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

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>02.05.2017</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 Ms Deepti P Bajpai, learned counsel for the respondents.</p> <p>Respondents counsel is directed to submit status report within a week as directed by this Court on 01.03.2017 regarding holding the Review Medical Board of the applicant.</p> <p>List this case on 12.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 138 of 2016 with M.A. No. 2500 of 2016

VK Prajapati & Others

By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Rajeev Srivastava, learned counsel for the applicants and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Shri Rajeev Srivastava, learned counsel for the applicants prays for and is granted two weeks' further time to file rejoinder affidavit.</p> <p>List this case on 17.07.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 212 of 2016

Smt Vinod

By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 VD Shukla, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Dr Shailendra Sharma Atal, learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>With the consent of learned counsel for the parties, list this case on 29.06.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 15 of 2017

Om Prakash Tripathi

By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 PK Shukla, learned counsel for the applicant and Shri Virendra Singh, learned counsel for the respondents.</p> <p>Counter affidavit filed by Shri Virendra Singh, learned counsel for the respondents in Court today, after serving a copy upon learned counsel for the applicant, is taken on record.</p> <p>Shri PK Shukla, learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p>List this case on 09.08.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 20 of 2017

Sanjay Prakash Agnihotri

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>02.05.2017</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 JN Mishra, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Dr Shailendra Sharma Atal, learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within four weeks, thereafter.</p> <p>List this case on 09.08.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 39 of 2016

Ex Naik Shiv Sewak`

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Yashpal Singh, learned counsel for the petitioner and Shri VPS Vats, learned counsel for the respondents.</p> <p>Bench copy filed by learned counsel for the petitioner is taken on record.</p> <p>Copy of counter affidavit appears to be not in record. Shri VPS Vats, learned counsel for the respondents is directed to file counter affidavit supported by affidavit within two weeks.</p> <p>With the consent of learned counsel for the parties, list this case on 29.06.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 756 of 2017

Inre: O.A. No. Nil of 2017

Chintamani

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>02.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr Gyan Singh, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri Om Prakash Kushwaha, learned counsel for the applicant and Dr Gyan Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 756 of 2017</u></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by 32 years, 09 months and 29 days. Copy of this application has been served upon the learned Standing Counsel for the respondents on 28.04.2017.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection. Replication, if any, may be filed by the learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 11.08.2017 for admission.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 757 of 2017

Inre: O.A. No. Nil of 2017

Rakesh 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>02.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Adesh Kumar Gupta, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri VP Pandey, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents.</p> <p><u>M.A. No. 757 of 2017</u></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by 01 years, 03 months and 26 days. Copy of this application has been served upon the learned Standing Counsel for the respondents on 27.04.2017.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection. Replication, if any, may be filed by the learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 16.08.2017 for admission.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 758 of 2017

Inre: O.A. No. Nil of 2017

Yogendra 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>02.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Mohd Zafar Khan, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri VP Pandey, learned counsel for the applicant and Shri Mohd Zafar Khan, learned counsel for the respondents.</p> <p><u>M.A. No. 758 of 2017</u></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by 13 years, 10 months and 26 days. Copy of this application has been served upon the learned Standing Counsel for the respondents on 28.04.2017.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection. Replication, if any, may be filed by the learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 16.08.2017 for admission.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 759 of 2017
Inre: O.A. No. Nil of 2017

Madhuri 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>02.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Siddharth Dhaon, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri JN Mishra, learned counsel for the applicant and Shri Siddharth Dhaon, learned counsel for the respondents.</p> <p><u>M.A. No. 759 of 2017</u></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by 04 years, 11 months and 04 days. Copy of this application has been served upon the learned Standing Counsel for the respondents on 28.04.2017.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection. Replication, if any, may be filed by the learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 16.08.2017 for admission.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

EX-A. No. 74 of 2017

Inre: O.A. No. 247 of 2013

Sawaran 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>02.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Adesh Kumar Gupta, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri VK Pandey, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents.</p> <p><u>EX-A. No. 74 of 2017</u></p> <p>This is an Execution Application under Section 29 of the Armed Forces Tribunal Act, 2007 filed by the applicant for non implementation of the judgment and order dated 18th November 2015 passed in O.A. No. 247 of 2013.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to show cause as to why the aforesaid order of the Tribunal has not been complied with.</p> <p>As agreed by learned counsel for the parties, list this case on 28.06.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 228 of 2017 With M.A. No. 752 of 2017

Inre: O.A. No. Nil of 2017

Ayatu Sarki

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>02.05.2017</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 AK Pandey, learned counsel for the petitioner and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 752 of 2017</u></p> <p>Objection on application for condonation of delay filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p><u>M.A. No. 228 of 2017</u></p> <p>Cause shown in the affidavit filed in support of the application for condonation of the delay seems to be justified.</p> <p>Accordingly, the application is allowed and the delay in filing the Original Application is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>As agreed by learned counsel for the parties, list this case on 28.06.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RS/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 236 of 2013

Bashisth Singh Yadav

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>01.05.2017</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.K. Mishra, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case on 24.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 87 of 2016 with M.A. No. 765 of 2016

Diwan 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>01.05.2017</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: None for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' further time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 13.07.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 174 of 2016

Kailash Kumar

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>01.05.2017</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: The applicant, Shri Kailash Kumar, in person and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is permitted to file counter affidavit during the course of day. Rejoinder affidavit, if any, may be filed by the applicant within two weeks, thereafter.</p> <p>List this case on 14.07.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 19 of 2017

A.K. Pandey

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>01.05.2017</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 V.A. Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' further time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 03.08.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 172 of 2010 with M.A. No. 1446 of 2016

Kapil Dev Mishra

Petitioner

By Legal Practitioner for Petitioner

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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: None for the petitioner and Mrs. Anju Singh, learned counsel for the respondents.</p> <p>On call of the case, Shri P.N. Chaturvedi, Advocate submits that the petitioner has engaged him as learned counsel for the petitioner and he will file Vakalatnama within a week.</p> <p>As prayed, a week's time is granted to Shri P.N. Chaturvedi to file Vakalatnama.</p> <p>List this case on 09.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

Dy. No. 593 of 2017 Inre O.A. No. Nil of 2017

Amit Kumar

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>01.05.2017</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: None for the applicant and Maj Piyush Thakran, Departmental Representative for the respondents.</p> <p>It appears that defects, as raised by the Registry, have not yet been rectified. In the interest of justice, the case is adjourned.</p> <p>List this case on 18.07.2017 for declination.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 62 of 2011

Puran Chand Bhatt

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 P.N. Chaturvedi, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 288 of 2013

Smt. Sarabjeet Kaur

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>01.05.2017</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 P.K. Khare, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case on 23.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 279 of 2015

Satya Pal 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>01.05.2017</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 Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 141 of 2016

Dharam Deo 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>01.05.2017</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 Shailendra Kumar Singh, learned counsel for the applicant and Mrs. Anju Singh, learned counsel for the respondents.</p> <p>List this case on 05.05.2017 for hearing in List (A).</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 30 of 2012

V.S. Malik

Petitioner

By Legal Practitioner for Petitioner

Versus

PCDA (P) Allahabad

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 Ravi Prakash Tripathi, Advocate holding brief of Shri S.K. Bajpai, learned counsel for the petitioner and Shri Kaushik Chattarji, learned counsel for the respondents.</p> <p>On call of the case, Shri Ravi Prakash Tripathi submits that Shri S.K. Bajpai, learned counsel for the petitioner is out of station and prays for adjournment of the case. Learned counsel for the respondents has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 09.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List B)

M.A. No. 97 of 2017 With M.A. No. 740 of 2017
Inre: O.A. No. 135 of 2017

Shambhu Dayal Shrivastava
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>01.05.2017</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 Bachchan Singh, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents.</p> <p><u>M.A. No. 97 of 2017</u></p> <p>This is an application for condonation of delay in filing the O.A. Learned counsel for the respondents do not intend to file any objection.</p> <p>The grounds shown in the affidavit filed in support of the application for condonation of the delay seem to be justified.</p> <p>Accordingly, the application is allowed and the delay in filing the Original Application is hereby condoned.</p> <p>Controversy relates to the rounding of disability pension which has been sanctioned to the extent of 20% for life. The payment of disability pension itself is a recurring cause of action.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p>Admit.</p> <p>Let case be registered as O.A.No.135 of 2017.</p> <p>Counter affidavit has already been filed.</p>

ORDER (ORAL)

1. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought the relief for rounding off of disability pension from 20% to 50% for life.

2. The applicant is in receipt of disability pension and he has filed this Original Application for the relief of rounding off of the disability pension. Undisputed facts of the case, as agreed by learned counsel for the parties, is that the applicant was enrolled in the Indian Army on 31st October 1969 and was discharged from service on 31st October 1997 in low medical category after rendering approx 28 years of service. Learned counsel for both the parties agree that the applicant is receipt of disability pension as 20% for life w.e.f. 10.03.2001 and he submitted a representation on 04.11.2016 before the respondents for rounding off of disability pension, which is still pending. Aggrieved, the applicant has filed this Original Application. The delay in filing of Original Application has been condoned today.

3. Heard Shri Bachchan Singh, learned counsel for the applicant, Shri DK Pandey, learned counsel for the respondents and perused the record and with their consent, this Original Application is being disposed of at the admission stage.

4. The applicant submitted that he is in receipt of 20% disability pension for life w.e.f. 10.03.2001 and as per Govt. of India letter dated 31.01.2001, he is entitled for rounding off of disability pension but it has not been granted to him.

5. **Per contra**, the learned counsel for the respondents has submitted that the applicant is in receipt of 20% disability pension for life w.e.f. 10.03.2001 as per PPO dated 13th September 2001. Since the applicant was discharged from the service on fulfilling of his terms and engagement and not invalidated out from service, he is not eligible for the rounding off of disability pension in terms of Government of India, Ministry of Defence letter No. 1(2)/97/D(Pen-C) dated 31.01.2001.

6. We feel to recall the judgment of Hon'ble The Apex Court in the case of **K.J.S. Buttar vs. Union of India and others reported in SCC 2011, XI, 429** wherein Hon'ble The Apex Court has observed that a person who was discharged by retirement on completion of terms of service with a disability, was held to be 'invalided out' and was held entitled to the benefit of 'broad banding'. Hon'ble The Apex Court in Paras 17 & 18 of the

judgment of **K.J.S. Buttar** (supra) has observed as under :-

“17. The respondents submitted that the appellant was not entitled to the above benefits as he had retired on completion of his Short Service Commission of 10 years and had not been invalided out of service.

18. In this connection it may be mentioned that the appellant was invalided out and released in a low medical category with permanent disability assessed at 50% by the Release Medical Board. As per the Defence Services Regulations/Pension Regulations for the Army 1961 where any officer is found suffering from disability attributable to or aggravated by Military Service he shall be deemed to have been invalided out of service. Relevant provision (page 25 additional documents) read as under :-

53. Officers Compulsorily Retired on Account of Age or on Completion of Tenure.

(1) An officer retired on completion of tenure or on completion of terms of engagement or on attaining the age of 50 years (irrespective of their period of engagement), if found suffering from a disability attributable to or aggravated by military service and recorded by service medical authorities, shall be deemed to have been invalided out of service and shall be granted disability pension from the date of retirement, if the accepted degree of disability is 20% or more, and service element, if the degree of disability is less than 20%. The retiring pension/retiring gratuity, if already sanctioned and paid, shall be adjusted against the disability pension/service element, as the case may be.

(2) The disability element referred to in clause (1) above shall be assessed on the accepted degree of disablement at the time of retirement/discharge on the basis of the rank held on the date on which the wound/injury was sustained or in the case of disease.

In our opinion the appellant is entitled to the benefit of the above Regulation.”

7. It is also observed that the Hon'ble Supreme Court in **Review Petition (C) No. 2688 of 2013 in Civil Appeal No. 5591/2006, U.O.I. & ANR vs K.J.S. Buttar** has dismissed the Review Petition both on ground of delay as well as on merits on 21.01.2014.

8. On the issue of rounding off of the disability pension, we feel to recall the judgment and order of Hon'ble The Apex Court in the case of **Union of India and Ors vs Ram Avtar & ors (Civil Appeal No. 418 of**

2012 dated 10th December 2014) in which Hon'ble The Apex Court nodded in disapproval the policy of the Government of India in not granting the benefit of rounding off of disability pension to the personnel who have retired on attaining the age of superannuation or completion of their tenure of engagement, if found to be suffering from some disability.

9. In view of the directions given by Hon'ble The Apex Court in the cases of **K.J.S. Buttar vs. Union of India & others** (supra) and **Union of India & others vs. Ram Avtar** (supra), we are of the considered view that in conformity with the Rules, Regulations and the dictum of law laid down by Hon'ble The Apex Court, the applicant is entitled to the benefit of rounding off of disability pension to 50%.

10. The Original Application No. 135 of 2017 succeeds and is **allowed**. The applicant is entitled for benefit of rounding off and shall be paid enhanced disability pension by rounding off from 20% to 50% for life, three years prior to filing of the Original Application i.e. 11.01.2017. The respondents are directed to pay the enhanced disability pension alongwith the arrears within four months from the date of receipt of a certified copy of this order. In case the respondents fail to give effect to this order within the stipulated time, they will have to pay interest @ 9% on the amount accrued from due date till the date of actual payment.

11. No order as to costs.

(Lt Gen Gyan Bhushan)
Member (A)
PKG

(Justice D.P. Singh)
Member (J)

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 69 of 2016

Birendra Kumar

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>01.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>T.A. No. 69 of 2016 (Birendra Kumar) is allowed. Judgment passed on separate sheets, is placed on record.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RPM/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 156 of 2013

Inre: O.A. No. Nil of 2013

Faquir Baksh 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>01.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>List has been revised.</p> <p>Present: Shri AK Sahu, learned counsel for the respondents.</p> <p>On call of the case, Shri R Chandra, Adovate, holding brief of Shri Yashpal Singh, learned counsel for the applicant submits that Shri Yashpal Singh is out of station and prays for adjournment of the case. Learned counsel for the respondents has no objection.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case on 30.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 1708 of 2014 With M.A. No. 2487 of 2016

Shyam Sunder 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>01.05.2017</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 Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Shri Ashok Kumar, learned counsel for the applicant submits that entire payment of revised pension has been made to the applicant. Hence no useful purpose would be served in keeping the matter pending.</p> <p>Since all the payment has been made to the applicant, original application is rejected being infructuous.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 1884 of 2014 With M.A. No. 2323 of 2016

Smt Mithilesh

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>01.05.2017</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 SSL Srivastava, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>In pursuance to the information received through counter affidavit, the applicant intends to amend the O.A. to challenge the order with regard to declaration of desertion made by the respondents.</p> <p>After hearing the learned counsel for the parties and in the ends of justice, we allow the amendment application. Let the amendment be carried out within a week,</p> <p>List this case on 11.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RPM/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 1482 of 2016 With M.A. Nos. 1483 & 2586 of 2016

And M.A. No. 546 of 2017

Inre: T.A. No 894 of 2010

Jitendra Kumar

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 petitioner and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Supplementary affidavit filed by Shri R Chandra, learned counsel for the petitioner after serving a copy upon learned counsel for the respondents in Court, today, is taken on record.</p> <p>Shri Amit Jaiswal, learned counsel for the respondents prays for and is granted four weeks' time to file reply to the supplementary affidavit.</p> <p>List this case on 14.07.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RPM/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 1535 of 2016
Inre: M.A. No. Nil of 2016

Gajender 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>01.05.2017</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: Dr Shesh Narain Pandey, learned counsel for the respondents. On call of the case, Shri Ashok Kumar, Advocate, holding brief of Shri KK Mishra, learned counsel for the applicant submits that Shri KK Mishra is out of station and prays for adjournment. Learned counsel for the respondents has no objection.</p> <p>Accordingly, the case is adjourned. List this case on 21.07.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RPM/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 1700 of 2016 With M.A. No. 2691 of 2016

and M.A. No. 608 of 2017

Inre: O.A. No. Nil of 2016

Sushil Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>In compliance the Court order dated 13.04.2017, supplementary affidavit explaining the delay in filing the Original Application filed by Shri R Chandra, learned counsel for the applicant after serving a copy upon learned counsel for the respondents in Court, today, is taken on record.</p> <p>Dr Shailendra Sharma Atal, learned counsel for the respondents prays for and is granted two weeks' time to file reply to the supplementary affidavit filed by learned counsel for the applicant.</p> <p>List this case on 17.07.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RPM/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 2686 of 2016
Inre: O.A. No. Nil of 2016

Shiv Nath 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>01.05.2017</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: and Shri RKS Chauhan, learned counsel for the respondents.</p> <p>On call of the case, Shri KKS Bisht, Advocate, holding brief of Shri AK Singh, learned counsel for the applicant submits that Shri AK Singh is out of station and prays for adjournment.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case on 24.07.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List B)

O.A. No. 315 of 2011 With M.A. Nos. 1531,2191 and 2246 of 2016
Inre: O.A. No. Nil of 2016

Triveni Prasad Shukla
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 VP Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Supplementary affidavit filed by Shri Namit Sharma, learned counsel for the respondents after serving a copy upon learned counsel for the applicant in Court, today, is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file reply to the supplementary affidavit.</p> <p>List this case on 24.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

**O.A. No. 198 of 2013 With M.A. Nos. 774 and 1682 of 2016
Alongwith (Decided O.A. No. 196 of 2013)**

Vishnu Prasad Upadhiya
By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 PN Chaturvedi, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' time to file objection on amendment application. Replication, if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 25.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RPM/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 225 of 2011

Shankar Datt Upadhyay

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>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>O..A. No. 225 of 2011, Shankar Datt Upadhyay vs. Union of India and others is allowed.</p> <p>For order, see our order of date passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A) DDS</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 2716 of 2016 Inre O.A. No. Nil of 2016

Rajesh Tiwari

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>28.04.2017</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 V.A. Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' further time to file objection on application for condonation of delay. Replication, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 29.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 120 of 2014

Jai Ram Yadav & Another

By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 M.S. Yadav, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents has produced photostat copies of records whereas this Court has directed to produce entire original records of the case.</p> <p>List this case on 24.05.2017 for further hearing to enable learned counsel for the respondents to produce entire original records with regard to present controversy for perusal of the Bench.</p> <p>On the date fixed, both the parties to appear in person before the Court to resolve the present controversy.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 102 of 2014 with M.A. No. 253 of 2017

Sawaran 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>28.04.2017</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 V.K. Pandey, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submits that entire dues have been paid to the applicant. Hence he does not intend to press the case.</p> <p>Accordingly, this Original Application has become infructuous and is hereby dismissed as not pressed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

O.A. No. 215 of 2015

Omkar Nath 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>28.04.2017</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 Shri Shyam Singh, learned counsel for the respondents.</p> <p>With the consent of learned counsel for the parties, list this case on 29.06.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 178 of 2009

Sri Ram Pandey

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 Yash Pal Singh, learned counsel for the petitioner.</p> <p>On call of the case Dr Shailendra Sharma Atal, informs that Shri Amit Jaiswal, learned counsel for the respondents is out of station today and prays for adjournment of the case. Learned counsel for the petitioner has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 29.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 1094 of 2010

Ashok Kumar Paswan

Petitioner

By Legal Practitioner for Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 K.K. Singh Bisht, learned counsel for the petitioner and Shri Namit Sharma, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the respondents, list this case on 25.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 3 of 2015 with M.A. No.321 of 2016

Naval Kishore Bajpai

Petitioner

By Legal Practitioner for Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 Sudhir Kumar Singh, learned counsel for the petitioner.</p> <p>On call of the case Dr Shailendra Sharma Atal, informs that Shri Amit Jaiswal, learned counsel for the respondents is out of station today and prays for adjournment of the case. Learned counsel for the petitioner has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 23.05.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 10 of 2016

Yogendra Prasad

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 O.P. Kushwaha, learned counsel for the petitioner and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>Bench copy of the case, filed by learned counsel for the petitioner is taken on record.</p> <p>List this case on 18.07.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 74 of 2016

Smt. Kaushalya Devi

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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: None for the petitioner and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>List revised.</p> <p>From perusal of record, it appears that notice was served to the petitioner but no one has turned up and Bench copy of the case has also not been filed.</p> <p>Today, on call of the case, neither the petitioner nor his counsel is present nor is there any request to pass over the case.</p> <p>Accordingly, the case is dismissed for non prosecution.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 708 of 2017

Inre: O.A. No. Nil of 2017

Vidhi Narayan

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>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri Ashok Bhardwaj, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 708 of 2017</u></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by 39 years, 04 months and 02 days. Copy of this application has been served upon the learned Standing Counsel for the respondents on 01.03.2017.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection. Replication, if any, may be filed by the learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 17.08.2017 for admission.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 729 of 2017

Inre: O.A. No. Nil of 2017

Prakash Swarup

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>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri AN Tripathi, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri PK Shukla, learned counsel for the applicant and Shri AN Tripathi, learned counsel for the respondents.</p> <p><u>M.A. No. 729 of 2017</u></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by 10 years, 09 months and 25 days. Copy of this application has been served upon the learned Standing Counsel for the respondents on 27.04.2017.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection. Replication, if any, may be filed by the learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 21.08.2017 for admission.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 720 of 2017 With M.A. No. 721 of 2017

Inre: O.A. No. 235 of 2010

Narsingh Yadav

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>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri VP Pandey, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 720 of 2017</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 23.09.2011 passed by this Court in O.A. No. 235 of 2010.</p> <p>As per stamp reporter's report, there is delay of 05 years and 06 months in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Admittedly the application for leave to appeal is barred by limitation. The Hon'ble Supreme Court in the case of Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC has held that the law of limitation undoubtedly binds everybody including the Government. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal are general in nature and do not</p>

appear to be germane.

In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No. 721 of 2017

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also rejected.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice D.P. Singh)
Member (J)

RS/-

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 726 of 2017 With M.A. No. 727 of 2017

Inre: T.A. No. 09 of 2014

Shashi Kant Jha

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Arun Kumar Sahu, Advocate is taken on record. His name be shown as learned counsel for the respondents.</p> <p>Present: Shri Manoj Kumar Singh, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p><u>M.A. No. 726 of 2017</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 09.03.2017 passed by this Court in T.A. No. 9 of 2014.</p> <p>As per stamp reporter's report, there is delay of 16 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Admittedly the application for leave to appeal is barred by limitation. The Hon'ble Supreme Court in the case of Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC has held that the law of limitation undoubtedly binds everybody including the Government. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for</p>

grant of leave to appeal are general in nature and do not appear to be germane.

In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No. 727 of 2017

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also rejected.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice D.P. Singh)
Member (J)

RS/-

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

EX.A. No. 25 of 2017
(Inre: T.A. No. 1473 of 2010)

Nand Lal Gupta
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 Yashpal Singh, learned counsel for the petitioner and Shri Sunil Sharma, learned counsel for the respondents.</p> <p><u>EX-A. No. 25 of 2017</u></p> <p>It appears that a notice was inadvertently not issued to the Branch Manager, State Bank of India, Rajdhani District Gorakhpur, respondent no.5 on 21.02.2017.</p> <p>Learned counsel for the petitioner submits that despite issuance of the PPO, the bank concerned has not paid the arrears of pension to the petitioner.</p> <p>Accordingly, let a notice be issued to the Branch Manager, State Bank of India, Rajdhani District Gorakhpur, respondent no.5 by registered post as well as regular mode of service to show cause as to why the order dated 17th November 2015 passed by the Tribunal in T.A.No.1473 of 2010 has not been complied with and payment has not been made.</p> <p>List this case on 11.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>PKG</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

EX.A. No. 31 of 2017
(Inre: T.A. No. 11 of 2014)

Ayodhya Prasad
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 RK Dixit, learned counsel for the petitioner and Shri Namit Sharma, learned counsel for the respondents.</p> <p><u>EX-A. No. 31 of 2017</u></p> <p>Learned counsel for the respondents has not complied with the 23.09.2016 passed by the Tribunal in T.A.No.11 of 2014 despite time being granted.</p> <p>Shri Namit Sharma, learned counsel for the respondents prays for and is granted two weeks' time to show cause as to why the aforesaid order of the Tribunal has not been complied with.</p> <p>List this case on 11.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>PKG</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

EX.A. No. 34 of 2017
(Inre: O.A. No. 303 of 2015)

Durgesh Kumar 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>28.04.2017</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 KKS Bisht, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p><u>EX-A. No. 34 of 2017</u></p> <p>This is an Execution Application under Section 29 of the Armed Forces Tribunal Act, 2007 filed by the applicant for non implementation of the judgment and order dated 04.10.2016 passed by the Tribunal in O.A. No. 303 of 2015.</p> <p>Learned counsel for the applicant submits that the order of the Tribunal has been complied with in letter and spirit. It has been informed by the learned counsel for the respondents that the second appeal preferred by the applicant has already been decided on 23rd March 2017, a copy of which has been provided to the learned counsel for the applicant during the course of hearing.</p> <p>In view of above, since the order of the Tribunal has been complied with and the second appeal has also been decided, hence the present Execution Application has become infructuous and is accordingly rejected at this stage.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>PKG</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 2457 of 2016
(Inre: O.A. No. Nil of 2016)

Awadhesh Kumar Pandey
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>28.04.2017</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 Yash Pal Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p><u>M.A. No. 2457 of 2016</u></p> <p>Being aggrieved by the denial of disability pension, the applicant preferred a writ petition before the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in the year 1993, which was dismissed in 2007. Thereafter, the applicant had filed an Intra Court appeal which was decided finally vide order dated 03.08.2016 by the Hon'ble High Court. The order dated 03.08.2016 passed by the High Court in Special Appeal is reproduced as under :</p> <p><i>“Heard Mr. Yash Pal Singh, learned counsel for the appellant as well as Mr. Deepanshu Das, learned counsel for the respondents. The appellant having been discharged on compassionate ground had claimed his discharge on medical ground and accordingly had prayed for grant of disability pension before the writ court. The learned Single Judge decided the writ petition in the light of Regulation 132 of the Pension Regulation and held that since the appellant had not completed 15 years' of service, he was not entitled for pension. Regulation 132 of Pension Regulation for the army provides that the minimum period of qualifying service without weightage actually rendered and required for earning service pension shall be 15 years. The appellant had completed only 11 years' of service, therefore, his claim for pension was rejected by the learned Single Judge, that has given rise to filing present appeal. At this stage, the appellant has filed supplementary affidavit stating therein that ultimately the appellant has been granted disability element of disability pension but he still keeps his claim alive for grant of service element. In view of the grievance raised above, we have examined the record and found that this was not the subject matter of the writ petition, therefore, it would not be appropriate to include the aforesaid claim at the stage of appeal for its adjudication. However, we feel it appropriate to give liberty to the appellant to raise his claim, as above, by moving a separate application before the Armed Forces Tribunal. With the aforesaid observation, the appeal stands dismissed.”</i></p>

Thus, it appears that the applicant has been contesting his claim right from 1993 and approached the Tribunal in pursuance of the liberty granted by the High Court on 03rd August 2016.

The Original Application has been filed in 2016 and the cause shown in the affidavit filed in support of the application for condonation of the delay seems to be justified.

Accordingly, the application is allowed and the delay in filing the Original Application is hereby condoned.

Having heard the learned counsel for the parties, we find that it is a fit case for admission.

Admit.

Let the case be registered as O.A.

Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List this case on **24.07.2017** for orders.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice D.P. Singh)
Member (J)

PKG

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

EX.A. No. 43 of 2017
(Inre: O.A. No. 273 of 2015)

Jawahar Lal Singh

By Legal Practitioner for Applicant

Applicant

Versus

Raksha Mantri Appellate Committee & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 Rohit Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>It is informed by Dr Shailendra Sharma Atal, learned counsel for the respondents that Government sanction has already been issued and PPO shall be issued shortly.</p> <p>Accordingly, four weeks' time is allowed to learned counsel for the respondents to produce copy of the PPO.</p> <p>List this case on 26.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

EX.A. No. 44 of 2017
(Inre: O.A. No. 174 of 2014)

Balbir Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 Rohit Kumar, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents.</p> <p>It is informed by Mrs Anju Singh, learned counsel for the respondents that Government sanction has already been issued and PPO shall be issued shortly.</p> <p>Accordingly, four weeks' time is allowed to learned counsel for the respondents to produce copy of the PPO.</p> <p>List this case on 29.05.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

**M.A. No. 2138 of 2015 with M.A. No. 1824 of 2016
and M.A. No. 245 of 2017**

Sita Ram

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>28.04.2017</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 Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 245 of 2017</u></p> <p>Reply to the objection filed by Shri R Chandra, learned counsel for the applicant is taken on record. M.A. No. 245 of 2017 stands disposed of.</p> <p>As agreed by learned counsel for the parties, list this case on <u>29.06.2017</u> for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

M.A. No. 2632 of 2016 and M.A. No. 746 of 2017

(Inre: O.A. No. Nil of 2016)

Harish Chandra Dubey

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 SG Singh, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents.</p> <p><u>M.A. No. 746 of 2017</u></p> <p>Reply to the objection filed by Shri SG Singh, learned counsel for the applicant against the application for condonation of delay is taken on record. M.A. No. 746 of 2017 stands disposed of.</p> <p>The grounds shown in the affidavit filed in support of the application for condonation of the delay seem to be justified.</p> <p>Accordingly, the application is allowed and the delay in filing the Original Application is hereby condoned and the objection raised by the learned counsel for the respondents is rejected.</p> <p>Controversy relates to payment of disability pension which is recurring cause of action and settled by Hon'ble The Apex Court. Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks', thereafter.</p> <p>List this case on 17.07.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>RPM/-</p>