

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 106 of 2013

Mahabir 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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Sidharth Dhaon, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' further time to file paper books of the case in terms of earlier order dated 23.05.2017. Registry shall verify the genuineness of the paper book from the original record.</p> <p>List this case on 14.09.2017 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 S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 197 of 2015

Subham 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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri V.P. Pandey, Advocate, holding brief of Shri K.K.S. Bisht, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>On call of the case, Shri V.P. Pandey submits that Shri K.K.S. Bisht has not come to the Court and prays for adjournment of the case. Learned counsel for the applicant has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 12.09.2017 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 S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 248 of 2015

Smt Malti 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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Amit Jaiswal, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>On 24.10.2016, order was passed to learned counsel for the parties to argue the case on the ground of maintainability. Learned counsel for the respondents was ordered to produce original documents.</p> <p>Today, learned counsel for the respondents has informed that original documents have been destroyed by burning as per rule on the subject but this fact was not brought on record while filing the counter affidavit.</p> <p>Learned counsel for the respondents prays for and is granted a week's time to file affidavit to the effect that the original documents have been destroyed by burning.</p> <p>List this case on 07.09.2017 for hearing on the ground of maintainability.</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>999</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 595 of 2010

Vijay Keshav 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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PN Chaturvedi, learned counsel for the petitioner and Maj Soma John, Departmental Representative for the respondents.</p> <p>Today case was listed for final hearing.</p> <p>On call of the case, Departmental Representative submits that original documents are not available today and prays for adjournment of the case. Learned counsel for the peitioner has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 05.10.2017 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 S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 1 of 2014

Sarbeswar Pattanaik

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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R.P. Verma, learned counsel for the petitioner and Maj Soma John, Departmental Representative for the respondents.</p> <p>On call of the case, Shri Rajiv Pandey, Advocate, submits that Shri Bhanu Pratap Singh, learned counsel for the respondents has not come to the Court due to some unavoidable circumstances 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 11.09.2017 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 S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

DY. No. 1572 of 2017
(Inre : O.A. No. Nil of 2017)

Ravinder 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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Kaushik Chatterji, Advocate, on behalf of the respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri Kaushik Chatterji, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri Rohit Kumar, learned counsel for the applicant prays for and is granted two weeks' time to move an amendment application with affidavit for amending the prayer clause of the original application.</p> <p>List this case on 14.09.2017 for admission.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

**EX-A. No. 98 of 2017 alongwith M.A. No. 980 of 2017 with R.A. No. 26 of 2017
(Inre : O.A. No. 06 of 2016)**

Rajendra 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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri AK Singh, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>In this execution application, learned counsel for the respondents submits that Review Petition has been preferred based on the order of the Court dated 01.12.2016. Learned counsel for the applicant submits that copy of the Review Petition has not been served upon him.</p> <p>Learned counsel for the respondents is hereby directed to provide a copy of the Review Petition to learned counsel for the applicant during course of the day.</p> <p>List this case on 04.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A.(A). No. 309 of 2016 with M.A. No. 704 of 2017

Gyanendra Madhukar
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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Devansh Bhardwaj, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p><u>M.A. No. 704 of 2017</u></p> <p>Shri Devansh Bhardwaj, learned counsel for the applicant submits that he does not intend to press this amendment application and leave be granted to him to move a fresh amendment application with correct particulars.</p> <p>Accordingly, M.A. No. 704 of 2017 is hereby dismissed with liberty to move a fresh amendment application with correct particulars.</p> <p>List this case on 03.10.2017 for orders</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 40 of 2016

Smt Indra Kali 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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Birendra Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri Asheesh Agnihotri, learned counsel for the respondents prays for and is granted four weeks' further time to file counter affidavit to the T.A. and also to the supplementary affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 04.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 49 of 2010

Asha Devi & 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>29.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PN Chaturvedi, learned counsel for the applicants and Shri DK Pandey, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri PN Chaturvedi, learned counsel for the applicants prays for and is granted a week's time to prepare the brief of the case.</p> <p>List this case on 11.09.2017 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 S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

Dy No. 911 of 2017 Inre O.A. (Nil) of 2017

Pratap 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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Prabhav Srivastava, learned counsel for the applicant and Dr Gyan Singh, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Learned counsel for the applicant submits that on 04.05.2017 this Tribunal has observed that there is no delay in filing original application. The controversy relates to grant of arrears of family pension which is recurring cause of action.</p> <p>Admit.</p> <p>Let the case be registered as Original Application.</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 a week, thereafter.</p> <p>List this case on 06.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 1974 of 2015

Smt Brijesh Balyan

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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri KK Mishra, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Learned counsel for the respondents has raised preliminary objection regarding maintainability of the Original Application. It is submitted by learned counsel for respondents that son of the applicant was a member of Coast Guard and he was never enrolled in Indian Navy. Reply to primary objection on maintainability has been filed by learned counsel for the applicant.</p> <p>Learned counsel for the respondents is hereby directed to make submission whether the applicant while serving in Coast Guard was subject to Naval Act or not.</p> <p>List this case on 15.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 555 of 2017 Inre O.A. (Nil) of 2017

Smt Dharmsheela

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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Virendra Singh, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p><u>M.A. No 1406 of 2017</u></p> <p>Objection on application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted two week's time to file replication for the same.</p> <p>List this case on 04.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No 671 of 2017 with M.A. No 1391 of 2017 Inre O.A. (Nil) of 2017

Smt Usha 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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Sidharth Dhaon, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Learned counsel for the applicant submits that he does not intend to press this petition and prays for liberty to file a fresh.</p> <p>Accordingly, the petition is dismissed as not pressed with liberty to file a fresh, if he so desires.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 31 of 2014 with M.A. No 2646 of 2016

Jeetendra 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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Shri Bhanu Pratap Singh, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Learned counsel for the applicant prays for and is granted two week's further time to file supplementary rejoinder affidavit.</p> <p>List this case on 14.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 56 of 2014

Smt Shyama 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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri KK Mishra, learned counsel for the applicant and Shri Virendra Singh, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Learned counsel for the applicant has not incorporated the amendment in the Original Application as ordered by this Tribunal on 24.07.2017. He prays for and is granted two weeks' further time to incorporate the proposed amendment.</p> <p>List this case on 01.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 228 of 2015 with M.A. No. 260 of 2016

Ramesh Chandra Dixit
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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Ramesh Chandra Dixit, applicant in person, and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Dr Shailendra Sharma Atal, learned counsel for the respondents submits that in Court order dated 08.08.2017, inadvertently, it was mentioned that replication to the objection filed by the learned counsel for the applicant on the application for condonation of delay is taken on record, it is the replication to objection against the amendment application.</p> <p>Shri Ramesh Chandra Dixit, applicant in person prays for and is granted a week's time to file replication to objection against the application for condonation of delay.</p> <p>List this case on 09.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 241 of 2015

Arjun 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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Shri Amit Sharma, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri JN Mishra, learned counsel for the applicant prays for and is granted a week's further time to file rejoinder affidavit.</p> <p>List this case on 11.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 189 of 2010 with M.A. No. 107 of 2012

Shiv Kumar Joshi

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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>List has been revised.</p> <p>Present: Col RN Singh (Retd), learned counsel for the applicant, and Maj Soma John, Departmental Representative.</p> <p>Written arguments of the case filed on behalf of the respondents, in Court today, are taken on record.</p> <p>Col RN Singh (Retd), learned counsel for the applicant prays for and is granted a week's time to file reply to the aforesaid arguments.</p> <p>List this case on 09.09.2017 for further 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 S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 40 of 2016

Nitu 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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>List has been revised.</p> <p>Present: Col(Retd) RN Singh, learned counsel for the applicant, and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Dr Shailendra Sharma Atal, learned counsel for the respondents prays for and is granted a week's time to file written argument of the case.</p> <p>List this case on 09.09.2017 for further 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 S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 48 of 2016

Pinky 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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>List has been revised.</p> <p>Present: Shri KK Mishra, learned counsel for the applicant, and Shri Virendra Singh, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Learned counsel for the respondents has referred GOI, MOD letter of 2011 in counter affidavit and copy of the same has not been filed. For the point involved in this case for grant of liberalized pension after declaration the death of the applicant's husband as a battle casualty, aforesaid letter is considered necessary.</p> <p>Learned counsel for the respondents prays for and is granted a week's time to file an affidavit bringing on record the GOI, MOD letter of 2011.</p> <p>List this case on 12.09.2017 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 S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 169 of 2017

Lt Col Bhupendra Dhapade
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>28.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Harshvardhan, learned counsel for the applicant, and Shri Sunil Sharma, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri Sunil Sharma, learned counsel for the respondents prays for and is granted two weeks' and no more 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 03.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 324 of 2017

TD Kolekar

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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Kaushik Chatterji, Advocate, on behalf of respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri Kaushik Chatterji, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Having heard learned counsel for the parties, we find that it is a fit case for admission.</p> <p>Admit.</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 23.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 325 of 2017

Basant Kumar

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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Shyam Singh, Advocate, on behalf of respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>During hearing on the point of admission, a preliminary objection has been raised by the learned counsel for the respondents that the applicant has already preferred statutory Appeal under Section 164(2) of the Army Act, 1950 on 31st March 2016 before the authority concerned, if any still pending.</p> <p>At this stage, learned counsel for the applicant restricts his prayer only to the extent that necessary direction be given to the authority concerned to dispose of the statutory appeal, mentioned above, within a specified period. Learned counsel for the respondents has no objection to this prayer.</p> <p>Accordingly, with the consent of the learned counsel for the parties, we dispose of this Original Application at the admission stage, with the direction to the authority concerned to decide the statutory Appeal preferred by the applicant by a speaking and reasoned order within a period of three months from the date of receipt of a certified copy of this order.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 326 of 2017

Ashok Chandra Deka
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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh, Advocate, on behalf of respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>During hearing on the point of admission, a preliminary objection has been raised by the learned counsel for the respondents that the applicant has already preferred statutory Appeal under Section 164(2) of the Army Act, 1950 on 31st March 2016 before the authority concerned, if any still pending.</p> <p>At this stage, learned counsel for the applicant restricts his prayer only to the extent that necessary direction be given to the authority concerned to dispose of the statutory appeal, mentioned above, within a specified period. Learned counsel for the respondents has no objection to this prayer.</p> <p>Accordingly, with the consent of the learned counsel for the parties, we dispose of this Original Application at the admission stage, with the direction to the authority concerned to decide the statutory Appeal preferred by the applicant by a speaking and reasoned order within a period of three months from the date of receipt of a certified copy of this order.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 85 of 2016

Daya Chand
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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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, on behalf of respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p>Present: None appears for the petitioner. Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>As per office report, notice issued to the petitioner has not been received back served or unserved.</p> <p>In the interest of justice, Registry is directed to serve fresh notice to the petitioner returnable within four weeks.</p> <p>List this case on 04.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 16 of 2017

SP Shukla

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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Ramesh Chandra Shukla, Advocate, on behalf of respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p>Present: Shri Rohit Kumar, Advocate holding brief of Shri Yash Pal Singh learned counsel for the petitioner and Shri Ramesh Chandra Shukla, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri Rohit Kumar, Advocate submits that Shri Yash Pal Singh, learned counsel for the petitioner has not come to the court and prays for adjournment of the case.</p> <p>Accordingly, in the interest of justice, the case is passed over for the day.</p> <p>List this case on 06.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 27 of 2017

Sandeep Kumar
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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: None appears for the petitioner. Wg Cdr Sardul Singh, Departmental Representative.</p> <p>On the last date, Shri Anoop Chandra Srivastava, Adv on behalf of the petitioner Sandeep Kumar has prayed for time to file the bench copy of the T.A., but neither vakatnama on behalf of the petitioner has been filed nor bench copy of the T.A. has been filed.</p> <p>In the interest of justice, the case is adjourned for the day.</p> <p>List this case on 20.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 463 of 2017
(Inre: O.A. No. Nil of 2017)

Sunita Yadav M/o Late Sigmn Subhash Kumar 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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Om Prakash, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Objection on the application for condonation of delay filed today by the learned counsel for the respondents is taken on record.</p> <p><u>M.A. No. 463 of 2017</u></p> <p>This is an application for condonation of delay in filing the Original Application.</p> <p>It is submitted by the learned counsel for the applicant that the applicant who happens to be the mother of the deceased Late Sigmn Subhash Kumar Yadav is an illiterate lady and does not know about the various policies and regulations and that she has approached the Tribunal when she came to know about the right of the Liberalised pension.</p> <p>The grounds taken by the applicant for delay appear to be sufficient.</p> <p>Accordingly, the application for condonation of delay is allowed and the delay in filing the O.A. 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>List this case on 24.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 934 of 2017 with M.A. No. 935 of 2017
(Inre: O.A. No. 213 of 2010)

Shriman 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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is listed next.</p> <p>Present: Shri PN Chaturvedi, learned counsel for the applicant and Rajiv Pandey, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Objection on the application for condonation of delay in filing the recall application filed by the learned counsel for the respondents today in Court, is taken on record.</p> <p>List this case on 09.09.2017 for orders.</p> <p>Meanwhile, learned counsel for the applicant may file reply to the objection.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 263 of 2017

Anurag 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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Satendra Kumar Singh, learned counsel for the applicant and Shri Ramesh Chandra Shukla, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental Representative.</p> <p>Objection against the maintainability of the present O.A. filed by Shri Ramesh Chandra Shukla, learned counsel for the respondents, today in Court, is taken on record.</p> <p>Shri Satendra Kumar Singh, learned counsel for the applicant prays for and is granted a week's time to file reply to the aforesaid objection.</p> <p>List this case on 09.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 103 of 2015

Amar Singh Baliyan
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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Ashok Singh, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Rejoinder affidavit filed by Shri Ashok Singh, learned counsel for the applicant, in Court is taken on record.</p> <p>Shri Yogesh Kesarwani, learned counsel for the respondents prays for and is granted a week's time to prepare the brief.</p> <p>List this case on 06.09.2017 for hearing.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any, by the date fixed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 45 of 2016

Yogesh Giri
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>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri DS Kauntae, learned counsel for the applicant and Mohd Zafar Khan, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Today, this case is listed for filing of rejoinder affidavit by the learned counsel for the applicant, but the same has not been filed.</p> <p>Shri DS Kauntae, learned counsel for the applicant submits that in the Counter affidavit, filed by the learned counsel for the respondents, several Army Order and policy letters have been referred but the complete copies of the same have not been filed. In absence of documents, he is unable to file an effective rejoinder affidavit.</p> <p>Objection raised by learned counsel for the applicant appears to be bonafide, hence we direct learned counsel for the respondents to bring on record all the Army Orders/ policy letters, referred by them in their counter affidavit within four weeks'. Rejoinder affidavit be filed by learned counsel for the applicant within four weeks', thereafter.</p> <p>List this case on 30.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 17 of 2010

Smt Suman Devi & Others
By Legal Practitioner for Petitioners

Petitioners

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Shri Amit Jaiswal, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri Amit Jaiswal, learned counsel for the respondents pointed out that copy of the amended T.A. filed by the learned counsel for the applicant is not in consonance with the order passed by the High Court, Allahabad on amendment applications. Some of the amendments which have been incorporated in the T.A. were not even allowed by the High Court, Allahabad.</p> <p>Shri PN Chaturvedi, learned counsel for the applicant prays for and granted two weeks' time to verify the aforesaid facts. In case the objection is found correct, he shall file the correct amended copy of the T.A. in accordance with the amendments allowed by High Court, Allahabad.</p> <p>List this case on 09.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 38 of 2016

Kripal Singh

By Legal Practitioner for Petitioners

Petitioners

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Rohit Kumar, learned counsel for the applicants and Shri RKS Chauhan, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri RKS Chauhan, learned counsel for the respondents prays for and is granted two weeks' further time to file supplementary counter affidavit. Supplementary rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 26.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

Original Application 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>24.08.2017</u> <u>Hon'ble Mr. Justice S.V.S.Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>O.A. No.288 of 2013 (Smt Sarabjeert Kaur vs. Union of India & ors) is dismissed.</p> <p>For orders, see our order of date passed on the separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</p> <p>(Justice S.V.S. Rathore) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 515 of 2016 with M.A. No. 1767 of 2016
(Inre: O.A. No. Nil of 2016)

Sharad Prakash Pal

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>24.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri DC Lohumi, Advocate, holding brief of Shri Manish Mishra, learned counsel for the applicant and Shri RKS Chauhan, learned counsel for the respondents alongwith Major Soma John, Departmental Representative.</p> <p>Shri DC Lohumi, Advocate, submits that Shri Manish Mishra, learned counsel for the applicant has not come to the Court due to illness and prays for and is granted a week's further time to file supplementary affidavit in support of application for condonation of delay.</p> <p>List this case on 09.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 106 of 2013

Mahabir 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>24.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>List has been revised.</p> <p>Present: Shri R Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Major Soma John, Departmental Representative.</p> <p>Shri R Chandra, learned counsel for the applicant prays for and is granted four days time to prepare the brief.</p> <p>List this case on 29.08.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 81 of 2017

Mohd Akhtar

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>24.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 DK Pandey, learned counsel for the respondents alongwith Major Soma John, Departmental Representative.</p> <p>Shri DK Pandey, learned counsel for the respondents prays for and is granted three 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 04.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 134 of 2017

Shyam Babu 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>24.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 VPS Vats, learned counsel for the respondents.</p> <p>Shri VPS Vats, learned counsel for the respondents prays for and is granted a week's further time to file counter affidavit.</p> <p>List this case on 31.08.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 17 of 2010

Smt Suman Devi & 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>24.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Shri Amit Jaiswal, learned counsel for the respondents along with Major Soma John, Departmental Representative.</p> <p>Shri Amit Jaiswal, learned counsel for the respondents prays for and is granted one day time to verify the records.</p> <p>List this case on 25.08.2017 for hearing.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 262 of 2016

R.S. Gahlot

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>23.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>O.A. No. 262 of 2016, R.S. Gahlot 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 S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 869 of 2017
(Inre: O.A. No. Nil of 2017)

Dhananjay Mishra
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
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	<p><u>23.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Col(Retd) YR Sharma, learned counsel for the applicant and Ms Appoli Shrivastava, learned counsel for the respondents alongwith Major Soma John, Departmental Representative.</p> <p>Objection against the application for condonation of delay filed by Ms Appoli Shrivastava, learned counsel for the respondents, in Court today, is taken on record.</p> <p>Col(Retd) YR Sharma, learned counsel for the applicant prays for and is granted two weeks' time to file reply to the aforesaid objection.</p> <p>List this case on 15.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>
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Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 136 of 2017

Jyoti 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>23.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Onkar Pandey, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents alongwith Major Soma John, Departmental Representative.</p> <p>Counter affidavit filed by Shri GS Sikarwar, learned counsel for the respondents, in Court today, is taken on record.</p> <p>Shri Onkar Pandey, learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p>List this case on 20.09.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 83 of 2013 with M.A. No. 963 of 2017

Uma Shankar 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>23.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Major Soma John, Departmental Representative.</p> <p>On call of the case, Ms Appoli Shrivastava, Advocate, submits that learned counsel for the respondents Shri Namit Sharma who is not present today intends to file supplementary counter affidavit within a week.</p> <p>Let the supplementary counter affidavit be filed by the date fixed.</p> <p>List this case on 31.08.2017 for further hearing.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 1974 of 2015

Smt. Brijesh Balyan

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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant and none for the respondents.</p> <p>On call of the case, no one appears on behalf of the respondents. In the interest of justice, the case is adjourned.</p> <p>List this case on 28.08.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 931 of 2017 with M.A. No. 932 of 2017 Inre O.A. No. 187 of 2014
Santhil Raju B **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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 applicant and Shri G.S. Sikarwar, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' further time to file replication to objection on application for condonation of delay in filing Recall Application.</p> <p>List this case on 04.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 1874 of 2016 with M.A. No. 1875 of 2016 Inre O.A. No. 294 of 2015
Yogendra Kumar Sharma **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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: The applicant, Yogendra Kumar Sharma in person and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Soma John, Departmental Representative.</p> <p>The applicant present in person prays for adjournment of the case on account of non availability of his counsel in the Court. Learned counsel for the respondents has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 26.10.2017 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 S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 237 of 2011

Vijai Shankar Yadav

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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Sudhir Kumar Singh, learned counsel for the applicant and Shri G.S. Sikarwar, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, the case is adjourned for today.</p> <p>List this case on 27.10.2017 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 S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 46 of 2016

Smt. Munni 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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Veer Raghav Chaubey, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>In pursuance to earlier order of this Tribunal dated 21.07.2017, respondents have filed copy of letter dated 21.08.2017 issued by PCDA (P), Allahabad, whereby it is informed that all the documents pertaining to the case have been destroyed after the expiry of the period. Copy filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for time to file some documents to prove the percentage and duration of the disability for grant of disability pension.</p> <p>List this case on 03.10.2017 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>Mr. Ajay Shukla, Auditor from PCDA (P) Allahabad is present in the Court and his further appearance in the Court is exempted, unless called for.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 161 of 2016

Guddu Raja Ansari

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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, two weeks' time is granted to him to file synopsis of the case.</p> <p>Learned counsel for the respondents to file recruiting policy to clarify the position of Subedar Major as Enrolling/Recruitment Officer.</p> <p>List this case on 23.10.2017 for further 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 S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 301 of 2016

Smt. Radha Devi W/o Late Sub Pratap Singh

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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: None for the applicant and Shri Anurag Mishra & Shri D.C. Lohumi, learned counsel for the respondents.</p> <p>Supplementary counter affidavit filed by learned counsel for the respondent is taken on record.</p> <p>An affidavit filed on behalf of Respondent No 5 is taken on record.</p> <p>List this case on 09.10.2017 for hearing.</p> <p>In the meantime, learned counsel for the applicant may file supplementary rejoinder affidavit, if any.</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 S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 63 of 2012

Sanjay 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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the petitioner prays for and is granted two weeks time to produce Hindu Marriage Act 1955.</p> <p>List this case on 30.08.2017 for further 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 S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 36 of 2013

Man 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>22.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Lt Col A.K. Saxena (Retd), learned counsel for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>Learned counsel for the petitioner prays for and is granted two week's time to prepare the case and to file synopsis of the case with undertaking that he will serve a copy of synopsis to learned counsel for the respondents before the date fixed.</p> <p>List this case on 03.10.2017 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 S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 1194 of 2017 with M.A. No. 1339 of 2017
(Inre : T.A. No. 26 of 2012)

Union of India & Others

By Legal Practitioner for Ptitioners

Petitioners

Versus

Rajveer Singh

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Amit Jaiswal, learned counsel for the petitioners alongwith Wg Cdr Sardul Singh, Departmental Representative and none for the respondents.</p> <p><u>M.A. No. 1339 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 19.04.2017 passed by this Tribunal in T.A. No. 26 of 2012.</p> <p>As per stamp reporter's report, there is delay of 01 month and 28 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. 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 do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern</i></p>

technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”

The Hon’ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

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. 1194 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 petitioners 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 find that the matter pertains to grant of disability pension and 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 S.V.S. Rathore)
Member (J)

PKG

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

**M.A. No. 2763 of 2016 alongwith M.A. No. 2764 of 2016 & M.A. No. 791 of 2017
(Inre : O.A. No. 94 of 2014)**

Gajendra Kumar Mishra
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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri KK Misra, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Reply to the objection filed by the learned counsel for the applicant on the application for condonation of delay in filing the recall application is taken on record.</p> <p><u>M.A. No. 2763 of 2016</u></p> <p>This is an application for condonation of delay in filing the recall application for recall of the order dated 08.07.2016 passed by the Tribunal in O.A.No.94 of 2014 dismissing the O.A. for non prosecution.</p> <p>The grounds shown in the affidavit filed in support of the application seem to be sufficient.</p> <p>Accordingly, the application is allowed and the delay in filing the recall application is hereby condoned.</p> <p><u>M.A. No. 2764 of 2016</u></p> <p>This is an application for recall of the order dated 08.07.2016 passed by the Tribunal in O.A.No.94 of 2014 dismissing the O.A. for non prosecution.</p> <p>The grounds shown in the affidavit filed in support of the recall application seem to be sufficient.</p> <p>Accordingly, the Recall Application is allowed and the order dated 08.07.2016 is hereby recalled, subject to payment of Rs.500/- as cost, which shall be remitted to the Bar Association, AFT, Lucknow within a week.</p> <p>Since the pleadings have already been exchanged, list this case</p>

on **04.10.2017** for hearing.

On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.

(Lt Gen Gyan Bhushan)
Member (A)

PKG

(Justice S.V.S. Rathore)
Member (J)

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 64 of 2016

Surendra Vavu

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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Yogesh Kesarwani, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri Mohd. Shariq Khan, Advocate appeared and submits that he will file his power on behalf of the petitioner on the next date and prays for further time to file the bench copy of the T.A. Time prays for is granted.</p> <p>List this case on 22.09.2017 for orders.</p> <p>Learned counsel for the respondents may file supplementary counter affidavit by the next date fixed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 2566 of 2016
(Inre : O.A. No. Nil of 2016)

Smt Kalash Kumari
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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri VK Pandey, learned counsel for the applicant and Ms Amarita Chakraborty, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Ms Amarita Chakraborty, learned counsel for the respondents prays for and is granted two weeks further time to file objection against the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks', thereafter.</p> <p>Shri VK Pandey, learned counsel for the applicant pointed out that the name of the applicant in the title of the case in cause list should be Smt Kalash Kumari in place of Smt Kamlesh Kumari.</p> <p>Office is directed to correct the name of applicant as Smt Kalash Kumari in the Cause List of next date.</p> <p>List this case on 03.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 249 of 2015

JC 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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Ved Prakash Pandey learned counsel for the applicant and Ms Deepti P Bajpai, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 255 of 2015

Kishan 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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Shri Kaushik Chattarji, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri Kaushik Chattarji, learned counsel for the respondents prays for and is granted a week's time to comply the direction of the Tribunal dated 01.08.2017.</p> <p>List this case on 06.10.2017 for further hearing.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 253 of 2012

Krishan Kumar Thakur
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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Col(Retd) YR Sharma, learned counsel for the applicant and Shri Alok Mathur, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>On call of the case, Col(Retd) YR Sharma, learned counsel for the applicant submits that he is not prepared with the case. He prays for and is granted two weeks' further time for the same.</p> <p>List this case on 09.10.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 103 of 2017 Inre O.A. No. Nil of 2017

Smt. Saroj 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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Namit Sharma, learned counsel for the respondents.</p> <p>Objection on application for condonation of delay, filed by learned counsel for the respondents is taken on record.</p> <p>Replication on objection for condonation of delay, filed by learned counsel for the applicant is taken on record.</p> <p><u>M.A. No. 103 of 2017</u></p> <p>This is an application for condonation of delay in filing the O.A. by means of which the applicant has prayed for grant of family pension. As per office report there is delay of 19 years 5 months and 28 days. The reasons given in the affidavit filed in support of the application for condonation of delay seems to be genuine.</p> <p>In the case of Shiv Dass Vs Union of India reported in 2007 (3) SLR page 445 in para 9 of the judgment, Hon'ble The Apex Court has observed:</p> <p><i>“In the case of the pension the cause of action actually continues from month. That however, cannot be a ground to overlook delay in filing the pension. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits, it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.”</i></p> <p>Since the matter pertains to grant of family pension which is recurring cause of action and in view of law laid by Hon'ble Apex Court in the case of Shiv Dass (supra), we condone the delay in filing the original application and the objections raised by the respondents are hereby rejected.</p>

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

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 by learned counsel for the applicant within two weeks, thereafter.

List this case on **23.10.2017** for orders.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

ukt

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 152 of 2017 with O.A. No. 417 of 2012 (Decided)

Rajendra Singh

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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 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 24.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 33 of 2012

Sherpal Chahar

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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Dr. Chet Narain Singh, learned counsel for the respondents assisted by Maj Soma John, Departmental Representative.</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 S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 355 of 2015

Rama 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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Supplementary counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents submits that Cheeta Exercise or any other Exercise has not taken place during the concerned period. Learned counsel for the applicant submits that affidavit filed by learned counsel for the respondents is contrary to the report of Court of Inquiry. He prays for and is granted two weeks' time to file an affidavit/reply to this effect.</p> <p>List this case on 09.10.2017 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 S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 531 of 2010

Sultan Ram

By Legal Practitioner for Petitioner

Petitioner

Versus

Secy Govt of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, 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 Maj Soma John, Departmental Representative for the respondents.</p> <p>On call of the case, Maj Soma John states that Shri D.K. Pandey, learned counsel for the respondents is sick 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 11.09.2017 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 S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 77 of 2016

Ashok Kumar

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>21.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: None for the petitioner and Maj Soma John, Departmental Representative for the respondents.</p> <p>Counter affidavit filed on behalf of learned counsel for the respondents is taken on record.</p> <p>List this case on 13.10.2017 for orders to enable learned counsel for the petitioner to file rejoinder affidavit.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>