

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**(Circuit Bench at Nainital)**

**O.A. No. 513 of 2018 with M.A. No. 223 of 2019**

**Nb. Sub. Bhawan Ram Arya (Musician)**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.08.2019</u></b> <b><u>Hon'ble Mr. Justice Virender Singh, Chairperson</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant makes a statement at the Bar on the instructions of the applicant that the instant O.A. has rendered infructuous as the applicant has already got the relief sought herein.</p> <p style="text-align: center;">The statement made at the Bar stands recorded.</p> <p style="text-align: center;">Thus, the instant O.A. stands disposed of having been rendered infructuous.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Virender Singh)</b> <b>Chairperson</b></p> <p>PKG</p>

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**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**(Circuit Bench at Nainital)**

**O.A. N. 515 of 2018**

**Ex. Rect. Anil Kumar Kapri**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.08.2019</u></b> <b><u>Hon'ble Mr. Justice Virender Singh, Chairperson</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Amit Kapri and Shri Rajendra Arya, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents submits that he does not intend to file any counter affidavit and shall provide complete medical documents with brief note for perusal of the Tribunal.</p> <p>Heard learned counsel for both sides.</p> <p>Arguments concluded.</p> <p>Judgment is reserved.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Virender Singh)</b> <b>Chairperson</b></p> <p>PKG</p>

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**{See rule 11(1)}**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**(Circuit Bench at Nainital)**

**O.A. No. 520 of 2018**

**Ex. Hav. (Hony. Nb. Sub.) Mohan Ram**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.08.2019</u></b> <b><u>Hon'ble Mr. Justice Virender Singh, Chairperson</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Ms. Shruti Joshi, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Order dated 02<sup>nd</sup> May 2019 indicates that four weeks' time was granted to the respondents for filing counter affidavit. Needful has not been done till date. It is not in good taste. However, learned counsel for the respondents seeks some more time for filing counter affidavit. Reluctantly we grant another four weeks for the same. Rejoinder affidavit may be filed within two weeks thereafter. We make it clear that in default of not filing the same, shall stand closed and we shall hear the case finally on the next date.</p> <p>List this case on <b>07.11.2019</b> for orders.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Virender Singh)</b> <b>Chairperson</b></p> <p>PKG</p>

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**{See rule 11(1)}**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**(Circuit Bench at Nainital)**

**O.A. No. 522 of 2018**

**Smt. Anandi Devi**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.08.2019</u></b> <b><u>Hon'ble Mr. Justice Virender Singh, Chairperson</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Ms. Shruti Joshi, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Order dated 02<sup>nd</sup> May 2019 indicates that four weeks' time was granted to the respondents for filing counter affidavit. Needful has not been done till date. It is not in good taste. However, learned counsel for the respondents seeks some more time for filing counter affidavit. Reluctantly we grant another four weeks for the same. Rejoinder affidavit may be filed within two weeks thereafter. We make it clear that in default of not filing the same, shall stand closed and we shall hear the case finally on the next date.</p> <p>List this case on <b>07.11.2019</b> for orders.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Virender Singh)</b> <b>Chairperson</b></p> <p>PKG</p>

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**{See rule 11(1)}**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**(Circuit Bench at Nainital)**

**O.A. No. 525 of 2018**

**Sardar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.08.2019</u></b> <b><u>Hon'ble Mr. Justice Virender Singh, Chairperson</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri Tanuj Semwal, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Let a very senior officer from respondent no.2 should file his personal affidavit pointing out the rule position which is creating hurdle in releasing service pension to the applicant. We make it clear that in the said affidavit it would, rather be made very clear by the concerned officer spelling out the justification for denying the pension on the basis of rule position, if any invoked.</p> <p style="text-align: center;">We have been constrained to give this direction for the reason that the respondent no.2 is not responding to the communication of DSC Records as pointed out by Lt Col Subodh Verma, OIC, Legal Cell.</p> <p style="text-align: center;">Let this exercise be done within six weeks only, so that on the next date of hearing, the main matter is wrapped up by the Tribunal finally.</p> <p style="text-align: center;">As requested, copy of this order be provided to the respondents free of cost during the course of the day under the signature of T.O.</p> <p style="text-align: center;">List this case on <b>06.11.2019</b> for orders.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Virender Singh)</b> <b>Chairperson</b></p> <p>GS</p>

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**(Circuit Bench at Nainital)**

**T.A. No. 12 of 2018**

**Lt. Pushpa Bhaskaran (Retd.)**  
By Legal Practitioner for the Petitioner

Petitioner

**Versus**

**Principal Controller of Defence Accounts (Pensions) & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.08.2019</u></b> <b><u>Hon'ble Mr. Justice Virender Singh , Chairperson</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Order dated 02<sup>nd</sup> May 2019 indicates that the arguing counsel for the applicant had not appeared to assist the Tribunal. However, one Ms Gurbani Singh, Advocate had appeared as Vice counsel. Counter affidavit has already been filed by the respondents, as directed in the said order. However, no rejoinder affidavit has been filed till date.</p> <p>None appears for the applicant today.</p> <p>Before we get an impression that the applicant has lost interest in prosecuting the instant application, which has been transferred to this Tribunal from the Hon'ble High Court of Uttrakhand at Nainital, we, in the interest of justice, defer consideration of the instant matter to the next date of hearing.</p> <p>List this case on <b>07.11.2019</b> for orders.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Virender Singh)</b> <b>Chairperson</b></p> <p>GS</p>

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**(Circuit Bench at Nainital)**

**Ex. A. No. 20 of 2019 Inre : O.A. No. 453 of 2017**

**Ex. Sep. Bhag Bahadur Tamang**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.08.2019</u></b> <b><u>Hon'ble Mr. Justice Virender Singh , Chairperson</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Lt. Col. Subodh Verma, Departmental Representative for the respondents.</p> <p style="text-align: center;">We have been informed that Misc. Application for modification of the original order is being filed. Therefore, consideration of the instant Ex. Application stands deferred till we get the latest instruction with regard to the said application.</p> <p style="text-align: center;">List again on <b>06.11.2019</b> for orders.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Virender Singh )</b> <b>Chairperson</b></p> <p>PKG</p>

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**(Circuit Bench at Nainital)**

**O.A. No. 518 of 2018**

**Ex. L Nk. Gopal Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.08.2019</u></b> <b><u>Hon'ble Mr. Justice Virender Singh , Chairperson</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Counter affidavit filed by the respondents does not impress us at all and appears to be a vague type of counter affidavit, which we do not appreciate because it is silent on the enquiry, which was to be held with regard to injury sustained by the applicant when he was in the unit. There is no clarity as to how a conclusion has been reached that the said injury is neither attributable to nor aggravated by Military service. We thus grant yet another opportunity to the respondents to file better affidavit in this regard, for which another four weeks time is granted with advance copy to be given to the learned counsel for the applicant, who may file rejoinder affidavit within two weeks thereafter.</p> <p>Needless to say that the entire relevant records concerning to the case available with the respondents shall be made available to the Tribunal on the next date of listing, so that main matter may be wrapped up without further delay for the reason that the applicant is seeking disability pension and the case is at board since 2008.</p> <p>List again on <b>08.11.2019</b> for orders.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Virender Singh)</b> <b>Chairperson</b></p> <p>PKG</p>