

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

Diary No. 1188 of 2019 Inre : O.A. No. (Nil) of 2019

Harish Nath Goswami
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms Pushpa Bhatt, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Present: Shri Chitrarth Kandpal, Ld. Counsel for the applicant and Ms Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant seeks permission to withdraw the O.A. on account of the fact that this Tribunal does not have jurisdiction.</p> <p style="text-align: center;">This O.A. is dismissed as withdrawn with liberty to the applicant to take such recourse as may be available to him.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

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

M.A. No. 1946 of 2018 Inre : T.A. No. 01 of 2014

Sarbeswar Pattanaik
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record</p> <p style="text-align: center;">Present: Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1946 of 2018</u></p> <p style="text-align: center;">This is an application for recall of the order dated 01.11.2018 passed by this Tribunal dismissing T.A. for want of prosecution.</p> <p style="text-align: center;">Since none appears for the petitioner even in the revised list, this application for recall of the order is hereby rejected for want of non prosecution.</p> <p style="text-align: center;">However, the application for restoration of the T.A. can be entertained on depositing Rs.10,000/- in Bar Association, Armed Forces Tribunal, R.B. Lucknow.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
(Circuit Bench, Nainital)

Ex.A. No. 117 of 2017 Inre : O.A. No. 244 of 2014

Balwant Singh Parihar
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents alongwith Lt Col Subodh Verma, Departmental Representative.</p> <p><u>Ex.A. No. 117 of 2017</u></p> <p>This is an application for execution of the order dated 13.02.2017 passed in O.A.No.244 of 2014.</p> <p>Despite the fact that the order in question has not yet been complied with, though three months' time was granted to the respondents to reinstate the applicant into the service after setting aside his order of discharge and directed payment of all consequential benefits within a period of three months. More than two years have gone by now and still all the back wages have not been paid to the applicant.</p> <p>Lt Col Subodh Verma, Departmental Representative states that process is still continuing and it will take some time. The order passed by the Tribunal has some sanctity and, therefore, it should be complied with as expeditiously as possible, if any, within the time stipulated. We feel that the respondents are acting in a snail pace and we do not appreciate this.</p> <p>Subject to payment of cost of Rs.10,000/- to the applicant, we give one opportunity to the respondents to comply with the order under execution, failing which coercive orders for attachment of the accounts of the PCDA (P), Allahabad and the concerned respondents shall be passed on the next date.</p> <p>List this case on 09.07.2019 for orders at Circuit Bench, Nainital.</p> <p>(Air Marshal B.B.P. Sinha) Member (A)</p> <p>(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

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

O.A. No. 185 of 2014

Lal Bahadur Gurung
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>After brief submission, learned counsel for the applicant seeks to place on record copy of the service booklet to indicate the dates on which he has been discharged from service and placed as reservist. It is also stated that he will provide documents to show as to when he joined the service and how much service he has rendered in any other organization outside Army.</p> <p>Let the needful be done within four weeks.</p> <p>List this case on 09.07.2019 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
(Circuit Bench, Nainital)

O.A. No. 294 of 2018

Raghu Nandan 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Ms Pushpa Bhatt, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The grievance of the applicant that he is entitled to the service pension for having rendered 14 years and 04 months service in DSC. We have heard learned counsel for the parties and perused the record.</p> <p style="text-align: justify;">As a matter of fact, the rule with regard to grant of second pension for condoning the deficiency of 08 months in having rendered service with the DSC and thereafter grant the pension. The applicant has not made any specific request to the respondents for condoning the deficiency in service, so as to get the order that he has completed minimum 15 years of service. On the contrary, he has prayed for grant of service pension.</p> <p style="text-align: justify;">We feel that the applicant ought to have applied to the respondents for condoning the deficiency in service and thereafter consider his case for grant of second pension.</p> <p style="text-align: justify;">Be that as it may, the respondents shall treat the present petition as the representation to them for condoning the deficiency of service, so as to enable the applicant to get the benefit of second pension on the assumption of having completed 15 years in service. The respondents shall be required to seek further information from the applicant, as required by them. The respondents shall pass a speaking order allowing/disallowing the prayer of the applicant for condoning the deficiency in service and communicate the same to the applicant. In case after passing the order, the grievance of the applicant is not redressed, he may take such recourse as is available to him in law.</p> <p style="text-align: justify;">Needless to say that the respondents shall pass such order as expeditiously as possible and certainly not later than six months from today.</p> <p style="text-align: justify;">With these directions, the Original Application stands disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
(Circuit Bench, Nainital)

O.A. No. 176 of 2012

Laxman 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Lalit Kumar, Advocate holding brief of Shri R Chandra, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents alongwith Lt Col Subodh Verma, Departmental Representative.</p> <p>Lt Col Subodh Verma, Departmental Representative has pointed out that the wife of the applicant has written a letter to the Army authorities that her husband is missing since August 2011. The present petition has been filed on 03.05.2012.</p> <p>If that be so, it becomes debatable as to who is the person, who has signed the present petition. The respondents shall produce the service record of the applicant in order to enable to compare the signatures of the applicant with the signatures appearing on the application and affidavit, which has been filed in this Tribunal.</p> <p>We are rejecting the request of the learned counsel holding brief for listing the matter at Regional Bench, Lucknow.</p> <p>Post the matter for hearing in July 2019 at Circuit Bench, Nainital.</p> <p>List this case on 09.07.2019 for hearing at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
(Circuit Bench at Nainital)

M.A. No. 226 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Tajbar 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 226 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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ORDER SHEET
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(Circuit Bench at Nainital)

M.A. No. 227 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Rect. Prithvi Pal Singh Adhikari
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the applicant, list this case on 01.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

Form No. 4
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ORDER SHEET
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(Circuit Bench at Nainital)

M.A. No. 228 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Ram Singh Adhikari
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 228 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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ORDER SHEET
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(Circuit Bench at Nainital)

M.A. No. 229 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Bahadur Singh Aithani
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 229 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

Form No. 4
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ORDER SHEET
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(Circuit Bench at Nainital)

M.A. No. 231 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Godhan 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 231 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
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(Circuit Bench at Nainital)

M.A. No. 232 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Bachi 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 232 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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(Circuit Bench at Nainital)

M.A. No. 233 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Devi Datt Pandey
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 233 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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M.A. No. 234 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Mohan 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 234 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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(Circuit Bench at Nainital)

M.A. No. 235 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Jaidev Giri
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 235 of 2019</u></p> <p style="text-align: center;">This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p style="text-align: center;">List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

Form No. 4
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(Circuit Bench at Nainital)

M.A. No. 346 of 2019 Inre : O.A. No. (Nil) of 2019

Smt. Indu Manodi
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>The Ld. Counsel for the applicant has confined his prayer to grant disability pension to her deceased husband. The Ld. Counsel for the applicant submits that the husband of the Applicant was discharged on medical ground in the year 2000 after rendering more than nine years of service in the Army. The release of the husband of the applicant was purportedly that he was suffering from Generized Seizure. It has been stated in the Release Medical Board proceedings that the said disease from which the Applicant was suffering was neither attributable nor aggravated by military service. Hence, he was not eligible for disability pension. However, it is contended by the Ld. Counsel for the applicant that the husband of the applicant was suffered from Generized Seizure to the first time in the year 1993 and his disease was not constitutional in nature. Therefore, Ld. Counsel for the applicant prayed for condonation of delay in filing the Original Application.</p> <p>Issue notice to the respondents to show cause as to why the Application of the applicant for condonation of delay be not allowed.</p> <p>Notice accepted by Ms. Ms. Pushpa Bhatt , Senior Central Government Counsel on behalf of the respondents.</p> <p>Let the Objection against the application for condonation of delay be filed within six weeks. Replication, if any, may be filed by the applicant within next two weeks.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left; font-size: small;">AKD/SB/-</p>

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

Ex. A. No. 27 of 2019 Inre : O.A. No. 71 of 2017

Ramesh Chandra

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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt , Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant has contended that although PPO has been issued, however, the amount has not been paid to the applicant.</p> <p>The Ld. Counsel for the applicant is directed to place on record the following three things on the next date fixed :-</p> <ol style="list-style-type: none">1. The name of the applicant.2. The Bank Account Number to which pension is being credited.3. The name of Bank. <p>As prayed by the Ld. Counsel for the applicant, list this case on 02.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Ex.A. No. 28 of 2019 Inre : O.A. No. 278 of 2017

Kanti Ballabh Bhatt
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant has stated that despite the fact that the Tribunal has passed the order on 02.08.2017 the respondents have not complied with the order in question within four months. The Government sanction itself has been accorded on 24.10.2017 for payment of additional pensionary benefit, on the strength of which the PCDA (Pensions), Allahabad has issued PPO on 01.02.2018. The Ld. Counsel for the Applicant contended that atleast for the period of two months started from 03.12.2017 to 02.02.2018 the respondents are liable to pay interest as thereafter the period in question there is fault of the Bank which dealing with the crediting of the amount to his account.</p> <p>These have not been contested by the Ld. Counsel for the respondents. We feel that there is merit in the contention of Ld. Counsel for the Applicant that he is entitled for the interest atleast for two months started from 03.12.2017 to 02.02.2018. Therefore, said amount shall be released to the Applicant as expeditiously as possible and but not later than six weeks from today.</p> <p>So for as the payment of interest by the Bank, if any, is concerned, the Applicant is free to take such recourse as available to him.</p> <p>With these directions the Execution Application stands disposed off.</p> <p>If the applicant still feels non-payment of the interest component as directed, the Applicant is free to move an application for revive of the Execution Application.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Ex.A. No. 29 of 2019 Inre : O.A. No. 296 of 2018

Smt. Laxmi Devi
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents has produced a copy of the letter dated 29.04.2019 by virtue of which amended PPO has been sent to the Applicant as well as Branch Manager of the Bank in compliance of Tribunal's order for payment.</p> <p>The Ld. Counsel for the Applicant submits that matter may be disposed of with liberty to revive the Execution Application, if the payment is not made by the respondents in four weeks in compliance of order under execution.</p> <p>In view of the statement of the Ld. Counsel for the applicant the Execution Application stands disposed off with the direction and liberty as prayed for.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

M.A. No. 1785 of 2018 Inre : M.A. No. 1786 of 2018 Inre : M.A. No. 1717 of 2014
Inre : T.A. No. 57 of 2013

Daulat Chand
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the petitioner and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

O.A. No. 363 of 2018

Smt. Haruli Devi
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Present: Shri Alok Mahra, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">Lt. Col. Suboth Verma, Officer Incharge, Legal Cell is also present.</p> <p style="text-align: justify;">The Officer Incharge, Legal Cell submits that this is a case for grant of dual family pension to the applicant.</p> <p style="text-align: justify;">Ld. Counsel for the applicant has stated that the benefit of dual family pension have been sanctioned to ORs only by a Circular issued in the year 2014 with effect from 2012. The contention of the Ld. Counsel for the applicant is that she is getting family pension from GREF appears to be the only legally wedded wife of the deceased soldier. Though her name was also shown in the record as 'Hira Devi', but the person was same.</p> <p style="text-align: justify;">The Officer Incharge Legal Cell has stated that in pursuance of the last order passed by the Tribunal the matter enquired by the respondents with the help of Zila Sainik Board and corrective action for issuance of Part – II Order has been taken now and the Applicant has been told to complete certain formalities for which a letter is being forwarded to the Applicant.</p> <p style="text-align: justify;">Let a copy of the said letter with regard to the compliance, to be done by the applicant be given to the Ld. Counsel for the applicant. Thereafter, the applicant shall comply the directions as stipulated in the said letter within four weeks from today. On submission of requisite documents by the applicant, the respondents shall consider the request of the applicant for grant of dual family pension.</p> <p style="text-align: justify;">As prayed, list this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left; font-size: small;">AKD/SB/-</p>

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

O.A. No. 436 of 2018

Rajendra 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Mangal Singh Chauhan, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Heard arguments.</p> <p>Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 438 of 2018

Ex. Nk. Ashok Chandra
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 444 of 2018

Ex. Hav. (Hony. Nb. Sub.) Meharwan 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Chatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 445 of 2018

Ex. Hav. (Hony. Nb. Sub.) Anand 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 446 of 2018

Ex. Hav. (Hony. Nb. Sub.) Mohan 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 448 of 2018

Ex. Hav. (Hony. Nb. Sub.) Diwan 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 449 of 2018

Ex. Hav. Dungar Singh Khati
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 450 of 2018

Ex. Hav. (Hony. Nb. Sub.) Gobind 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 09.07.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 451 of 2018

Ex. Hav. (Hony. Nb. Sub.) Darwan 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 452 of 2018

Ex. Hav. (Hony. Nb. Sub.) Gopal 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 09.07.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 453 of 2018

Ex. Nb. Sub. Trilok Chand Tiwari
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 454 of 2018

Ex. Sub. Nar 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 519 of 2018

Ex. Hav. (Hony. Nb. Sub.) Chandra 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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Ms. Shruti Joshi, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the respondents list this case on 02.05.2019 for orders.</p> <p>In the meantime Ld. Counsel for the respondents shall file Counter Affidavit after serving advance copy to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if so desires.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 312 of 2016

Suraj Singh Negi
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Case called out in the revised list. It is at 01.30 PM.</p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p>None is present on behalf of the applicant.</p> <p>In the interest of justice no adverse order is being passed.</p> <p>List this case on 09.07.2019 for hearing.</p> <p>On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 132 of 2018

Diwan Singh Bora
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Heard arguments. .</p> <p>Original Application is dismissed.</p> <p>For orders, see our order of date passed on separate sheets.</p> <p>Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 293 of 2018

Smt. Madhvi Devi
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><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri D.S.Mehta, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present.</p> <p>After due submission the Ld. Counsel for the applicant seeks permission to withdraw the Original Application with liberty to file a case before the appropriate Forum available to him in law.</p> <p>It has been pointed out by the Officer Incharge, Legal Cell that earlier the applicant had filed a Civil Suit No. 132 of 2017 for granting of Divorce in the Civil Court, Nainital which was withdrawn by her.</p> <p>Ld. Counsel for the applicant states that he shall move an application to revive the said petition.</p> <p>In view of above, Original Application No. 293 of 2018 is dismissed as withdrawn with liberty as prayed for.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

T.A. No. 04 of 2018

Smt. Sita Thapa
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.04.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the petitioner and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Ex.A. No. 100 of 2017 with M.A. No. 82 of 2018 Inre : O.A. No. 07 of 2013

Mukesh Kumar
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>Ex.A. No. 100 of 2017</u></p> <p>This is an application for execution of the order dated 14.08.2014 passed in O.A.No.7 of 2013.</p> <p>Learned counsel for the applicant states that pursuant to the order dated 31st October 2018, he has not been able to file an affidavit alongwith the objections to apprise the Hon'ble Bench about the aspects of the judgments, which have not been given effect to. He further states that the aforesaid objections could not be filed because the applicant did not get the leave from October 2018, so as to enable him to inform about the non compliance of the order. So further time is sought.</p> <p>At request, the matter is adjourned to August 2019. In the mean time, the applicant shall comply with the order dated 31st August 2018.</p> <p>The matter shall be listed at Circuit Bench, Nainital when another Bench is constituted to hear the matter.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

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

Ex.A. No. 103 of 2018 Inre : O.A. No. 333 of 2013

Jeewan Chandra
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri G.D. Joshi, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents alongwith Lt Col Subodh Verma, Departmental Representative.</p> <p><u>Ex.A. No. 103 of 2018</u></p> <p>This is an application for execution of the order dated 28.08.2017 passed in O.A.No.333 of 2013.</p> <p>Despite the fact that the order for payment of disability pension was passed on 28.08.2017 and a time frame of four months was given to the respondents to comply with the order, still the respondents have not complied with the said order.</p> <p>Lt Col Subodh Verma, Departmental Representative has brought to our notice that sanction for payment of disability pension has been accorded by the competent authority on 21st January 2019 and, therefore, some time will be taken by the PCDA (P), Allahabad for issuance of the PPO. There must be some sanctity of the orders passed by the Hon'ble Bench which the respondents have flouted. The order was to be complied with by the respondents within a period of four months, although more than one and half year has expired, still the order has not been complied with. The respondents cannot take advantage of the plea that sanction has been issued recently and further time may be given.</p> <p>The Bench heard the matter on 31.07.2018 and imposed a cost of Rs.5000/- on account of non execution of the order within the stipulated time frame. We are not only deeply anguished at the snail pace of the respondents, but also lack of interest shown by the respondents.</p> <p>We have left with no other option, but to impose further cost of</p>

Rs.20,000/- on the respondents to be deposited with the Bar Association, AFT, Lucknow within a period of four weeks and also direct the concerned competent authority to hold an enquiry in the matter and fix the responsibility on the official who has caused the delay in compliance of the order.

The respondents shall be free to recover the said amount from the salary of the official. The respondents shall also file an affidavit that the cost imposed by this Bench has been deposited. Further direction will be given in the month of July 2019.

List this case on **09.07.2019** for orders.

(Air Marshal B.B.P. Sinha)
Member (A)

(Justice V.K. Shali)
Member (J)

PKG/GSR

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

Ex.A. No. 203 of 2018 Inre : O.A. No. 430 of 2017

Hav. (Artisan Construction) Hira 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents alongwith Lt Col Subodh Verma, Departmental Representative.</p> <p>This is a case in which the applicant was directed to be considered for promotion to the rank of Naib Subadar after expunging his annual report for the year 2014. The respondents filed an execution application and has alleged that the respondents have not complied with the said order, both in letter and spirit. The learned counsel for the applicant has drawn our attention towards the orders passed on 16.10.2018, 24.10.2018, 30.10.2018, 31.10.2018, 20.11.2018, 30.12.2018 and 10.01.2019. It is stated that the respondents' application for review as well as seeking Leave to Appeal against the main order dated 10.08.2018 have been rejected.</p> <p>Lt Col Subodh Verma, Departmental Representative has taken a stand on instructions that the applicant has actually not passed ACE-I Examination, though an entry in this regard has been made by the concerned clerk in his ACR for the year 2010. Additionally we have noted that on the basis of his qualification i.e. ACE-I, he has been detailed for cadre course for the rank of Naib Subedar. He was earlier also empanelled for promotion (DPC) of Naib Subedar, but was not considered due to low medical category.</p> <p>Lt Col Subodh Verma, Departmental Representative has submitted that the entry in the ACR form of applicant by the clerk of the respondents, indicating that the applicant has passed ACE-I examination, has been made by the said person on account of some mistake, though it has been initialled also by the applicant himself and is supposed to have been verified by the</p>

Record Office. Additionally he submitted that passing ACE-I examination is not a must to do the said cadre course. However, we find it strange because in so many cases, we have found the respondents taking a stand that without passing mandatory examination, a soldier can't be detailed for cadre course.

Our learned predecessors have already passed an order staying the discharge of the applicant on 31st of October 2018 out of disgust because the order passed by the Tribunal was not being complied with and if found fit for promotion, the applicant would have got two additional years of service. As has been stated herein above, if the applicant gets promotion to the rank of Naib Subedar, then his superannuation would be only on 31st October 2020. It is very rare that judicial forum stays the superannuation of an individual on account of non promotion, because even if he retires, he can be compensated in terms of payment of entire salary for the extended period of time and notional promotion.

Be that as it may, we do not want to further complicate and precipitate the matter by vacating the said order passed by our learned predecessors, but we want to over-come the confusion as to whether the applicant had passed the ACE-I examination, which according to the respondents is a pre-requisite for being promoted to the rank of Naib Subedar. These are all factual matters, which we are finding it difficult to grapple with specially in view of the entries made in the ACR and detailment on cadre course and consideration by DPC earlier.

We, therefore, feel that it would be just and proper for the Commander, where the applicant is posted, to enquire into the matter personally or get the enquiry made through a responsible officer of one rank lower than him, see the personal record of the applicant and the relevant rules on detailment of DPC and cadre course and submit a report to this Tribunal as to whether the assertion of the applicant that he has passed the aforesaid examination i.e. ACE-I is correct or not.

A copy of this order alongwith the necessary orders, which have been detailed above, including the final order, be sent to the Commander by the Registry as expeditiously as possible and not later than ten days from today. We expect the Commander to furnish a report after holding an enquiry into the matters on 10.07.2019.

List the matter for further direction in July 2019.

List this case on **10.07.2019** for orders.

(Air Marshal B.B.P. Sinha)
Member (A)

(Justice V.K. Shali)
Member (J)

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

M.A. No. 1851 of 2018 Inre : O.A. No. (Nil) of 2018

Ex. Nb. Sub. Mahipal Singh Rawat
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1851 of 2018</u></p> <p>The grievance of the applicant is that he ought to have been promoted to the rank of Naib Subedar w.e.f. 1st January 2003, while he has been extended to the said benefit on 15.07.2007.</p> <p>Learned counsel has also drawn our attention to the correspondence which has taken place between the respondents and the PCDA (P), Allahabad, which gives an impression that the respondents in principle have considered to the request of the applicant for being promoted to the rank of Naib Subedar w.e.f. January 2003.</p> <p>If that be so, then the area of controversy between the parties is very limited.</p> <p>Issue notice to the respondents to show cause as to why the application for condonation of delay may not be allowed.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection on the application. Learned counsel for the applicant shall file reply, if any, to the objection within two weeks thereafter.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

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

O.A. No. 54 of 2017

Kedar 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Devendra Singh Bohra, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p>1. This Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 seeking the following reliefs:</p> <p><i>(i) To issue a suitable order or direction, calling the record of the applicant from the office of respondent No 2, whereby the claim of the applicant for disability pension vide their letter No G3/82/7736/III dated Nil Feb 1983 has been rejected, and quash the same.</i></p> <p><i>(ii) To issue a suitable order or direction, calling the record of the applicant in respect of the appeal preferred by the applicant in the office of respondent No 1, whereby the appeal in respect of the claim of the applicant for disability pension vide their letter No 7 (739)/185/Def/Pen dated Nil Dec 1985 has been rejected and quash the same.</i></p> <p><i>(iii) To issue a suitable order or direction directing the respondents to release all the benefit of disability pension as per the norms applicable, to the applicant with effect from the date of discharge from the service i.e. 14.04.1982.</i></p> <p><i>(iv) To issue any other suitable order or direction which this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case.</i></p> <p><i>(v) To award cost of the application in favour of the applicant."</i></p> <p>2. The case of the applicant is that he was enrolled as Sepoy in the Mahar Regiment on 29th November 1977 and served at various places in the State of Jammu & Kashmir (J&K). It is alleged by him that in the year 1981, while he was posted at Shahpur (J & K), he had participated in BPET Race. It is alleged by him that he was taking a bath in river Kly, where allegedly some blast took place because of which he fell in the river and suffered various injuries in his right hand, knee, chest, head and eyes. It is</p>

further alleged that his left eye had to be operated in the Army Hospital, Pathankot and thereafter he had to further undergo an eye operation in Doon Hospital in the same year. The applicant after having treated, was medically boarded out after holding Invaliding Medical Board on 23rd of February 1982 on the ground that he was suffering from medical disability. After the Invaliding Medical Board, a formal discharge order was passed on 13th of April 1982.

3. The applicant has woke up from a deep slumber now after expiry of 32 years and has chosen to file the present O.A. claiming disability element of the pension, though he had rendered just more than four years of service with the respondents. The applicant has not placed on record the report of the Invalidating Medical Board, but has drawn our attention to some certificates purported to have been issued by the Army authorities, which show that he has been Invalidated out of service.

4. The matter has come up before the learned Bench and on 13.02.2017 the Hon'ble Bench had condoned the delay and admitted the matter for hearing giving the direction to the respondents to file their reply on the ground that payment of disability pension is a recurring cause of action.

5. The respondents have filed their counter affidavit wherein the factum of the applicant getting enrolled in the Army as Sepoy and discharged on the basis of the report of the Invalidating Medical Board, has not been disputed. But it has been stated by him that according to Rules, which governs the preservation of record, the maximum period for which the medical documents could be preserved, is only seven years and they have since been destroyed and necessary entries in the destruction record register have been duly recorded.

6. We have heard learned counsel for the parties and gone through the judicial record.

7. Learned counsel for the applicant has contended that a direction be given to the respondents to produce the medical record. The learned counsel has relied upon Regulation 595 of Defence Service Regulation, as amended in the year 1990, to contend that the medical record of the applicant had to be preserved till the applicant attaining age of 65 years of the applicant. It has been stated that as on date, the applicant is just around 58 or 59 years of age and, therefore, destruction of medical record of the applicant is totally unjustified and cannot be countenanced or made the basis of denial of disability pension to the applicant. He has contended that the applicant has suffered injuries on account of blast, which had taken place, which are attributable to Military service, therefore, he deserves to be granted disability pension.

8. The contention of the learned counsel with regard to preservation of medical record of the applicant till he attains the age of 65 years, is bereft of

any merit. The original Regulation 595 (e), which is applicable to the applicant, reads as under:

“595 (e). Medical documents (including constituents thereof) will be retained for a period of seven years from the date the individuals of undermentioned categories become non-effective:-

- (i) JCOs/OR/NCs(E) dismissed from service*
- (ii) Deceased JCOs/OR/NCs(E) in whose case family pension claims have been sanctioned.”*

9. A perusal of the aforesaid regulation would show that so far as the aforesaid sub-clause of Regulation is not applicable to the applicant because it is applicable only in case of a soldier or the applicant being deceased or distressed, so as to facilitate the grant of pension to the family members of the said official. In the instant case, the applicant is admittedly alive as on date. Thus, both clauses do not applicable to the applicant.

10. The Regulation, which has been relied upon by the learned counsel for the applicant, has been passed by the Ministry of Defence by way of a subordinate legislation under delegated powers only in the year 1990 and will have prospective operation. It cannot be made applicable retrospectively to the case of the applicant, whether the period of seven years for which the record was to be retained itself have come to an end in the year 1989 itself. Therefore, we do not agree with this contention of the learned counsel for the applicant that Modified Regulation 595 (f) helps in any manner whatsoever because the same has been issued later.

11. With regard to grant of disability pension, one basic dictum which has to be followed in every case is that one who asserts must prove it. The applicant may not be permitted to enquire about the documents from the respondents. The applicant in the instant case has woken up from a deep slumber and come to the Tribunal after 32 years despite the fact that the cause of action had accrued to him in the year 1982 itself to raise his grievance of not granting disability pension. He has not placed the report of the Invalidating Medical Board or any other documents available which could persuade the Bench to assume that the applicant was suffering from any disability.

12. On the contrary, the oral submission which has been made by the learned counsel for the applicant before us to the effect that there was a blast because of which he sustained injuries and which culminated into his discharge, are belied from the documents filed by the respondents on record, which shows that he was a patient of Depressive Psychosis, because of which he seems to have been discharged.

13. No doubt learned counsel for the applicant has tried to place on record on the judgment of ***Dharamvir Singh vs Union of India & Ors***, reported in (2013) 7 SCC 316 passed by the Hon'ble Supreme Court to the effect that if nothing is recorded in the medical record at the time of recruitment, then the applicant has to be presumed to be fit on all counts.

That is a case of a normal person especially in respect of the disease which can be detected by a Medical Board at the threshold. This Depressive Psychosis is not a kind of disease, which can be noticed at the threshold by the Medical Board, therefore, the case of ***Dharamvir Singh*** (supra) may not help the applicant in any manner whatsoever, more so when it was not placed on record of Invaliding Medical Board.

14. No doubt our learned predecessors have condoned the delay by observing that the grant of pension is a recurring cause of action, but frankly speaking the Bench seems to have been misled as if this was a case where the applicant was entitled to pension. No doubt the payment of disability pension gives rise to recurring cause of action but this is to be distinguished on a case where an action is essentially seeking a declaration that he is entitled to disability pension. If that be so, a declaration must be sought by the applicant, if any, within three years or at least within a reasonable proximity of time from the date of cause of action.

15. In the instant case, we are of the firm view that the applicant was not getting even a single penny as disability pension and thus there was no recurring cause of action was accrued to the applicant to entertain the petition after a lapse of 32 years. In essence he was seeking a declaration that the Tribunal should declare that he was invalidated out from the Military service because of the medical grounds and, therefore, he was entitled to disability pension. Further we are blank about the percentage of the disability or the nature of disability also, therefore, this also comes in the way of the applicant. The Tribunal is not in the large interest to hear the persons who come to the Tribunal after such a belated time.

16. In view of the aforesaid reasons, we feel that the O.A. of the applicant is without any merit and the same is accordingly **dismissed**.

(Air Marshal B.B.P. Sinha)
Member (A)

(Justice V.K. Shali)
Member (J)

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

M.A. No. 1852 of 2018 Inre : O.A. No. (Nil) of 2018

Smt. Nirmala Chand W/o (Late) Ex. Hav. Sahi Chand Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri Rajendra Arya, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>As requested by learned counsel holding brief, list this case on 02.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 236 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Madho 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 236 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application. By means of this Original Application the applicant has prayed for grant of pension of Honorary Naib Subedar, which is recurring cause of action. As per office report there is delay of more than 09 years, 02 months and 14 days in filing the Original Application. The reasons given in the application for condonation of delay seem to be genuine. Accordingly, application for condonation of delay is allowed and delay in filing the Original Application is condoned.</p> <p>Admit.</p> <p>Let the case be registered as Original Application.</p> <p>Counter Affidavit filed by the Ld. Counsel for the respondents is taken on record.</p> <p>Heard arguments.</p> <p>Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

M.A. No. 237 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Sunder 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 237 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 240 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Hans Ram
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 240 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application for grant of revised pension of Honorary Naib Subedar. As per office report there is delay of more than nine years in filing the Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection on the application for condonation of delay. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 245 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Govind 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 245 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application. By means of this Original Application the applicant has prayed for grant of pension of Honorary Naib Subedar, which is recurring cause of action. As per office report there is delay of more than 09 years, 02 months and 14 days in filing the Original Application. The reasons given in the application for condonation of delay seem to be genuine. Accordingly, application for condonation of delay is allowed and delay in filing the Original Application is condoned.</p> <p>Admit.</p> <p>Let the case be registered as Original Application.</p> <p>Counter Affidavit filed by the Ld. Counsel for the respondents is taken on record.</p> <p>Heard arguments.</p> <p>Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

M.A. No. 246 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Govind Ballabh
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 246 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application. By means of this Original Application the applicant has prayed for grant of pension of Honorary Naib Subedar, which is recurring cause of action. As per office report there is delay of more than 09 years, 02 months and 14 days in filing the Original Application. The reasons given in the application for condonation of delay seem to be genuine. Accordingly, application for condonation of delay is allowed and delay in filing the Original Application is condoned.</p> <p>Admit.</p> <p>Let the case be registered as Original Application.</p> <p>Counter Affidavit filed by the Ld. Counsel for the respondents is taken on record.</p> <p>Heard arguments.</p> <p>Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

M.A. No. 247 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Sunder 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 247 of 2019</u></p> <p>This is an application for condonation of delay in filing the Original Application. By means of this Original Application the applicant has prayed for grant of pension of Honorary Naib Subedar, which is recurring cause of action. As per office report there is delay of more than 09 years, 02 months and 14 days in filing the Original Application. The reasons given in the application for condonation of delay seem to be genuine. Accordingly, application for condonation of delay is allowed and delay in filing the Original Application is condoned.</p> <p>Admit.</p> <p>Let the case be registered as Original Application.</p> <p>Counter Affidavit filed by the Ld. Counsel for the respondents is taken on record.</p> <p>Heard arguments.</p> <p>Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

O.A. No. 515 of 2018

Ex. Rect. Anil Kumar
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Amit Kapri, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>By means of this Original Application the applicant has prayed for grant of disability pension, which needs to be adjudicated by this Tribunal.</p> <p>Admit.</p> <p>Issue notice to the respondents.</p> <p>Notices have been received by Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed by the Ld. Counsel for the applicant within two weeks thereafter.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Ex.A. No. 33 of 2018 along with R.A. No. 71 of 2018 Inre : O.A. No. 220 of 2014

Narayan Datt Joshi
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The applicant present in person says that his counsel is not available today.</p> <p style="text-align: center;">At the request of the applicant, list this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

Ex.A. No. 129 of 2018 Inre : O.A. No. 42 of 2017

Kundan Singh Bhandari
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Learned counsel holding brief prays for adjournment of the case. Accordingly, the case is adjourned for the day.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Ex.A. No. 141 of 2018 Inre : O.A. No. 285 of 2017

Bachuli Devi
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant states that the order under execution has been complied with and therefore he does not want to press the Execution Application.</p> <p>In view of above statement made by the Ld. Counsel for the applicant Execution Application No. 141 of 2018 is dismissed as not pressed.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 2027 of 2016 Inre : O.A. No. (Nil) of 2016

Kharak 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri N.K. Papnoi, Advocate holding brief of Shri A.D. Tripathi, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>At the request of the proxy counsel the case is adjourned for the day.</p> <p>List this case on 02.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 1660 of 2018 Inre : O.A. No. (Nil) of 2018

Ex. Act. LEMP Ashok Chandra Sharma
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri N.K. Papnoi, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1660 of 2018</u></p> <p>Ld. Counsel for the respondents prays for further time to file objection against the application for condonation of delay.</p> <p>One final opportunity is being granted to the Ld. Counsel for the respondents to file objection on application for condonation of delay after serving a copy of the same to the Ld. Counsel for the applicant.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 1848 of 2018 Inre : O.A. No. (Nil) of 2018

Ex. Hav. Anand Singh Ram 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant seeks further time to implead the Chief of Army Staff as a respondent.</p> <p>One final opportunity is being given to the Ld. Counsel for the applicant for the aforesaid purpose.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 53 of 2017

Ishwar Singh Chiral
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>There is no appearance on behalf of the applicant.</p> <p>In the interest of justice, no adverse order is being passed.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 520 of 2017

Smt. Krishna Thapa
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>This is a case in which a request for grant of family pension is prayed for. The stand of the respondents is that the marriage of applicant with the deceased soldier was during the subsistence of the first marriage.</p> <p>The Ld. Counsel for the applicant prayed that the case may be listed in the month of July, 2019.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 129 of 2018

Mohan Chandra Joshi
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p>There is nobody from the side of Naval Authorities.</p> <p>This is a case in which the applicant is claiming disability pension. Neither the applicant has placed on record the copy of Release Medical Board proceedings nor the respondents have filed the same along with the Counter Affidavit.</p> <p>The respondents are directed to produce the record of the Release Medical Board, if available with him, on the next date fixed.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 278 of 2018

Himanshu Bhatt
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>After brief submission of Ld. Counsel for the applicant in all fairness, he has sought permission to withdraw the Original Application to exhaust alternative remedy available to the applicant in the Army Act, 1950 and Regulations/Rules framed thereunder.</p> <p>The Ld. Counsel for the respondents does not have any objection.</p> <p>In view of the submission made by the Ld. Counsel for the applicant, Original Application No. 278 of 2018 is dismissed as withdrawn with liberty as prayed for.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 290 of 2018

Bishan 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Wg. Cdr. R.A. Menon, Departmental Representative is also present.</p> <p>The Department Representative is directed to produce the original record of the various medical tests conducted on the applicant at the time of recruitment to select the applicant.</p> <p>As requested, list this case on 10.07.2019 for further proceedings.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 351 of 2018 along with M.A. No. 1652 of 2014

Smt. Sagro Devi
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Time is sought by the Ld. Counsel for the applicant to file Rejoinder Affidavit.</p> <p>Let the Rejoinder Affidavit be filed within a period of six weeks.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 352 of 2018

Ex. Rect. Digambar Singh Kharayat
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Heard arguments.</p> <p>Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 358 of 2018

Narayan Singh Karki
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Time is sought by the Ld. Counsel for the applicant to file Rejoinder Affidavit.</p> <p>Let the Rejoinder Affidavit be filed within a period of six weeks.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 367 of 2018

Ghura Nand
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Dinesh Gahatori, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Time is sought by the Ld. Counsel for the applicant to file Rejoinder Affidavit.</p> <p>Let the Rejoinder Affidavit be filed within a period of six weeks.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 433 of 2018

Ex. LRO Jagat 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p>Further time is sought by the Ld. Counsel for the respondents to file Counter Affidavit.</p> <p>Let the Counter Affidavit be filed within a period of four weeks. Rejoinder Affidavit, if any, be filed within next two weeks.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 439 of 2018

Mukund 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri M.B. Siddiqui, Advocate holding brief of Shri Rajiv Bhatt, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Brief holder appearing on behalf of the Ld. Counsel for the prays for adjournment. Accordingly, the case is adjourned.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

T.A. No. 22 of 2017

Smt. Babita Rawat
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record.</p> <p>Present: Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>There is no appearance on behalf of the petitioner in spite of service of notice issued by this Tribunal.</p> <p>The Transferred Application No. 22 of 2017 is dismissed for want of prosecution.</p> <p>No application for recall of this order shall be entertained without the payment of cost of Rs.2,000/- in AFT Bar Association, Lucknow to enrich its Library.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

T.A. No. 23 of 2017

Smt. Gulabi Devi
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record.</p> <p>Present: Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>There is no appearance on behalf of the petitioner in spite of service of notice issued by this Tribunal.</p> <p>The Transferred Application No. 23 of 2017 is dismissed for want of prosecution.</p> <p>No application for recall of this order shall be entertained without the payment of cost of Rs.2,000/- in AFT Bar Association, Lucknow to enrich its Library.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

T.A. No. 03 of 2018

Rajendra Singh Dobhal
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record.</p> <p>Present: Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>There is no appearance on behalf of the petitioner in spite of service of notice issued by this Tribunal.</p> <p>The Transferred Application No. 03 of 2018 is dismissed for want of prosecution.</p> <p>No application for recall of this order shall be entertained without the payment of cost of Rs.2,000/- in AFT Bar Association, Lucknow to enrich its Library.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 538 of 2018

Hav. Avtar 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents states that the record of this case is not available with him today. He prays for adjournment.</p> <p>List this case on 10.07.2019 for hearing.</p> <p>On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 431 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sepoy Daan 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri Rajendra Arya, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Brief holder appearing on behalf of the Ld. Counsel for the applicant prays for adjournment. Accordingly, the case is adjourned.</p> <p>List this case on 02.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 431 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sepoy Daan 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Shri Rajendra Arya, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 431 of 2019</u></p> <p>Issue notice to the respondents to show cause as to why the application for condonation of delay may not be allowed.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection to the application. Reply, if any, to the objection may be filed within two weeks thereafter.</p> <p>List this case on 10.07.2019 for orders.</p> <p>In the mean time, the respondent bank shall not affect any further recovery from the pension account of the applicant.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

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

M.A. No. 432 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. (Hony. Nb. Sub.) Jaspal 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri M.S. Bhandari, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 432 of 2019</u></p> <p>Issue notice to the respondents.</p> <p>Notices have been received by Ms. Ms. Pushpa Bhatt Bhatt, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file objection against the application for condonation of delay. Replication, if any, may be filed by the Ld. Counsel for the applicant within two weeks thereafter.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 289 of 2018

Shyam 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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Mohit Maulekhi, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Ld. Counsel for the applicant seeks time to implead the Bank as a party.</p> <p style="text-align: center;">This is the case in which on the basis of same set of alleged documents like their PAN number two different persons, though they are stated to be brothers are claiming pensionary benefits from Army.</p> <p style="text-align: center;">The respondents have not cancelled the PPO. The respondents shall make an enquiry into the matter and submit the report with regard to the period and the amount which have been deposited in the different accounts of two brothers.</p> <p style="text-align: center;">List this case on 10.07.2019 for further proceedings.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

M.A. No. 227 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Rect. Prithvi Pal Singh Adhikari
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><u>01.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Ms. Pushpa Bhatt, Ld. Counsel for the respondents. None is present on behalf of the applicant. In the interest of justice, the case is adjourned. List this case on 02.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 366 of 2018

Col. Suresh Chandra Gupta (Retd.)
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Thakur Balramji Srivastava, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>The Officer Incharge is permitted to file Additional Counter Affidavit along with the complete record of Release Medical Board of the applicant within a period of six weeks after serving a copy of the same to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within four weeks thereafter.</p> <p>As prayed by the Ld. Counsel for the applicant, list this case on 26.09.2019 for further proceedings.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

O.A. No. 441 of 2018

Sandeep Singh Mahara & Another
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicants and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Time is sought to file Rejoinder Affidavit by the Ld. Counsel for the applicant.</p> <p style="text-align: center;">List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left; font-size: small;">AKD/SB/-</p>

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

O.A. No. 442 of 2018

Ex. Sub. Maj. Suresh Prakash Chander
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit after serving advance copy of the same to the Ld. Counsel for the applicant. Rejoinder Affidavit, if any, may be filed by the Ld. Counsel for the applicant within two weeks thereafter.</p> <p style="text-align: center;">List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 456 of 2018

Ex. L. Nk. Pushkar Chand
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant prays for and is granted four weeks time to file Rejoinder Affidavit.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 490 of 2018

Ex. Rect. Kamlesh Rawat
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti , Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Order is to be dictated in Chamber</p> <p>(Air Marshal B.B.P. Sinha) Member (A)</p> <p>(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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)
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents prays for and is granted six weeks time to file Counter Affidavit after serving a copy of the same to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within two weeks thereafter.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 517 of 2018

Ex. Hav. (Hony. Nb. Sub.) Gopal Ram
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Final opportunity is being granted to the Ld. Counsel for the respondents to file Counter Affidavit within six weeks after serving an advance copy of the same to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within two weeks thereafter.</p> <p style="text-align: center;">List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Final opportunity is being granted to the Ld. Counsel for the respondents to file Counter Affidavit within six weeks after serving an advance copy of the same to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 521 of 2018

Smt. Parwati Devi
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Time is sought for filing Rejoinder Affidavit by the Ld. Counsel for the applicant.</p> <p>List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Ms. Shruti Joshi, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Final opportunity is being granted to the Ld. Counsel for the respondents to file Counter Affidavit within six weeks after serving an advance copy of the same to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within two weeks thereafter.</p> <p>List this case on 10.07.2019 for orders</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 523 of 2018

Ex. Hav. (Hony. Nb. Sub.) Jeewan 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Ms. Shruti Joshi, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted six weeks time to file Counter Affidavit after serving an advance copy of the same to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within two weeks thereafter.</p> <p style="text-align: center;">List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 524 of 2018

Ex. Sigmn Kailash Joshi
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents</p> <p>Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present. .</p> <p>The Officer Incharge, Legal Cell stated that he shall the Counter Affidavit during the course of the day. Advance copy has been supplied to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within four weeks.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Tanuj Semwal, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">PKG</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 526 of 2018

Krishna Devi W/o Ex. Hav. Late Govind Puri
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 527 of 2018

Ex. Rect. Fateh Singh Doblial
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted six weeks time to file Rejoinder Affidavit.</p> <p style="text-align: center;">List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 528 of 2018

Ex. L. Nk. Mohan 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents prays for and is granted six weeks time to file Counter Affidavit after serving an advance copy of the same to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within two weeks thereafter.</p> <p>List this case on 09.07.2019 for orders</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

T.A. No. 35 of 2017

Smt. Urmila Devi
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the petitioner and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p>Since the husband of the petitioner (now deceased) was a Civilian and was not subject to Army Act, 1950. Therefore, this Tribunal does not have jurisdiction.</p> <p>Ld. Counsel for the applicant has fairly conceded in this regard and seeks permission to withdraw the Transferred Application with liberty to take such recourse as available to the applicant in law.</p> <p>The Transferred Application No. 35 of 2017 is dismissed as withdrawn with liberty as prayed for.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Ms. Gurbani Singh, Advocate holding brief of Shri Bhupesh Kand Pal, Ld. Counsel for the petitioner and Shri Rajesh Sharma , Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents prays for and is granted six weeks time to file Counter Affidavit after serving an advance copy of the same to the Ld. Counsel for the applicant, who may file Rejoinder Affidavit, if any, within two weeks thereafter.</p> <p>List this case on 10.07.2019 for orders</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 280 of 2017

Mahendra Singh Padiyar
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Order is to be passed in Chamber</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 130 of 2018

Hridayesh Maithani
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Mangal Singh Chauhan, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant prays for and is granted four weeks time to file Rejoinder Affidavit.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

T.A. No. 54 of 2017

Harsh Vardhan

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri Lalit Kumar, Ld. Counsel for the petitioner and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Brief holder appearing on behalf of the Ld. Counsel for the petitioner prays for and is granted four weeks time to file Supplementary Rejoinder Affidavit.</p> <p>List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 440 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Rifleman Asar Singh Chouhan
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri Surendra Kumar Posti, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 440 of 2019</u></p> <p style="text-align: center;">...</p> <p style="text-align: center;">Order is to be passed in Chamber</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

O.A. No. 361 of 2018

Ex. Hav. (Hony. Nb. Sub) Rajendra 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted four weeks further time to file Counter Affidavit after serving a copy of the same to the Ld. Counsel for the respondents, who may file Rejoinder Affidavit, if any, within next two weeks.</p> <p style="text-align: center;">List this case on 09.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 444 of 2018

Ex. Hav. (Hony. Nb. Sub.) Meharwan 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Chatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 445 of 2018

Ex. Hav. (Hony. Nb. Sub.) Anand 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 446 of 2018

Ex. Hav. (Hony. Nb. Sub.) Mohan 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 448 of 2018

Ex. Hav. (Hony. Nb. Sub.) Diwan 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 451 of 2018

Ex. Hav. (Hony. Nb. Sub.) Darwan 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 453 of 2018

Ex. Nb. Sub. Trilok Chand Tiwari
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted four weeks time to file Additional Counter Affidavit along with the relevant documents pertaining to the case. Rejoinder Affidavit, if any, may be filed by the Ld. Counsel for the applicant within two weeks thereafter.</p> <p style="text-align: center;">List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 454 of 2018

Ex. Sub. Nar 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted four weeks time to file Additional Counter Affidavit along with the relevant documents pertaining to the case. Rejoinder Affidavit, if any, may be filed by the Ld. Counsel for the applicant within two weeks thereafter.</p> <p style="text-align: center;">List this case on 10.07.2019 for orders</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 519 of 2018

Ex. Hav. (Hony. Nb. Sub.) Chandra 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Ms. Shruti Joshi, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed by the Ld. Counsel for the applicant within two weeks thereafter.</p> <p style="text-align: center;">List this case on 10.07.2019 for orders</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Ex.A. No. 27 of 2019 Inre : O.A. No. 71 of 2017

Ramesh Chandra
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Ld. Counsel for the applicant has stated that the amount in pursuant to the amended P.P.O. has not been credited in the account of the applicant. It has been stated that he has checked from the Bank, but, no documentary proof has been produced before us. The respondents have filed compliance report to the execution of the order in question.</p> <p style="text-align: center;">We feel it appropriate that the applicant shall file an affidavit along with the photocopies of the pass book entries after amended P.P.O. has been issued.</p> <p style="text-align: center;">List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

O.A. No. 346 of 2018

Ex. Hav. Shankar Dutt
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for further time to file Counter Affidavit.</p> <p style="text-align: center;">Last opportunity is being granted to the Ld. Counsel for the respondents to file Counter Affidavit within six weeks. Rejoinder Affidavit, if any, may be filed by the Ld. Counsel for the applicant within two weeks thereafter.</p> <p style="text-align: center;">List this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 438 of 2018

Ex. Nk. Ashok Chandra
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Counter Affidavit filed by the Ld. Counsel for the respondents is taken on record.</p> <p style="text-align: center;">Ld. Counsel for the applicant does not want to file Rejoinder Affidavit.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

O.A. No. 449 of 2018

Ex. Hav. Dungar Singh Khati
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard arguments.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 431 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sepoy Daan 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rajendra Arya, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">PKG</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 227 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Rect. Prithvi Pal Singh Adhikari
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Ms. Pushpa Bhatt, Ld. Counsel for the respondents. None is present on behalf of the applicant despite the second call.</p> <p>Misc. Application No. 227 of 2019 is dismissed for want of prosecution.</p> <p>No application for restoration of the case shall be entertained without depositing cost of Rs.2,000/- in AFT Bar Association, Lucknow.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 1852 of 2018 Inre : O.A. No. (Nil) of 2018

Smt. Nirmala Chand W/o (Late) Ex. Hav. Sahi Chand Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rajendra Arya, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">PKG</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 2027 of 2016 Inre : O.A. No. (Nil) of 2016

Kharak 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Ms Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">PKG</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 309 of 2019

Ex. Havildar/Hony. Nb. Sub. Madho 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 310 of 2019

Ex. Havildar/Hony. Nb. Sub. Govind 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 311 of 2019

Ex. Havildar/Hony. Nb. Sub. Govind Ballabh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Judgment pronounced.</p> <p>Original Application is partly allowed.</p> <p>For orders, see our judgment and order of date passed on separate sheets.</p> <p>Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>SB/-</p>

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

O.A. No. 312 of 2019

Ex. Havildar/Hony. Nb. Sub. Sunder 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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
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><u>02.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Tanuj Semwal, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents alongwith Lt Col Subodh Verma, Departmental Representative.</p> <p>This is a case where the applicant is claiming the service pension. The case set up by the applicant is that he has rendered colour service from 04th of June 1962 to 30th June 1977 and thus, completed minimum service of 15 years, so as to get the pension. It is further stated that the PPO was also issued by the respondents, but pension was never paid to the applicant on the plea that the applicant has joined DSC on 06th of June 1981 from where he allegedly deserted on 18th of May 1988.</p> <p>Lt Col Subodh Verma, Departmental Representative has stated that a circular was issued by the competent authority in the year 1983 stating that in a case where a person is re-employed in DSC after having rendered service with the Army, his service in Army can be opted to be counted towards pension in DSR. He claims that the pension was not paid to the applicant because of this letter.</p> <p>We prima facie feel that the circular to which the reference is made by Lt Col Subodh Verma, Departmental Representative will have only prospective operation from 1983 and not retrospective. Further, the applicant had also not exercised his option that his previous service be counted towards DSC service. On the contrary he has categorically stated that he wants to continue getting his Army pension and this is clearly reflected in Counter Affidavit. .</p> <p>Thus it appears to us that the respondents are prima facie at fault in not paying the pension to the applicant for his Army service of 15 years.</p> <p>Learned counsel for the applicant states that the applicant is still</p>

alive. Before any final order is passed, the respondents shall file an additional affidavit before the next date fixed giving the rule position in this regard and also the documents relied upon by them for the purpose of denial of pension from Army to the applicant.

List this case on **10.07.2019** for orders.

(Air Marshal B.B.P. Sinha)
Member (A)

(Justice V.K. Shali)
Member (J)

PKG/GSR

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

Ex. A. No. 212 of 2018 Inre : O.A. No. 448 of 2017

Ex. Rect. Kundan 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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present.</p> <p>The Officer Incharge, Legal Cell states that in compliance of order under execution P.P.O. has been issued and a copy of the same has been given to the Ld. Counsel for the applicant.</p> <p>Ld. Counsel for the applicant has not pressed the Execution Application.</p> <p>Accordingly, Execution Application No. 212 of 2018 is dismissed as not pressed.</p> <p>The applicant is given liberty to revive the matter in case the amount is not credited to the account of the applicant after expiry of six months.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Ex.A. No. 213 of 2018 Inre : O.A. No. 282 of 2018

Ex. Gnr. Suresh Kumar Dogra
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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present.</p> <p>The Officer Incharge, Legal Cell states that in compliance of order under execution P.P.O. has been issued and a copy of the same has been given to the Ld. Counsel for the applicant.</p> <p>Ld. Counsel for the applicant has not pressed the Execution Application.</p> <p>Accordingly, Execution Application No. 213 of 2018 is dismissed as not pressed.</p> <p>The applicant is given liberty to revive the matter in case the amount is not credited to the account of the applicant after expiry of six months.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

Ex.A. No. 214 of 2018 Inre : O.A. No. 243 of 2014

Ex. Sep. Rajendra 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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present.</p> <p>The Officer Incharge, Legal Cell states that in compliance of order under execution P.P.O. dated 11.06.2018 has been issued and a copy of the same has been given to the Ld. Counsel for the applicant.</p> <p>Ld. Counsel for the applicant prays for time to go through the P.P.O. and to file objection, if any.</p> <p>At the request made by the Ld. Counsel for the applicant, list this case on 11.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 276 of 2018

Tejinder 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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri Lalit Kumar, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present.</p> <p>As usual a request has been made for adjournment by the Proxy Counsel on behalf of Shri Lalit Kumar, Ld. Counsel for the applicant.</p> <p>Shri Lalit Kumar, Ld. Counsel for the applicant does not seem to be interested to argue the matter.</p> <p>List this case on 10.07.2019 for hearing.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

M.A. No. 445 of 2019 with M.A. No. 446 of 2019 Inre : O.A. No. 48 of 2017

Union of India & Others
By Legal Practitioner for the Applicants

Applicants-Respondents

Versus

Smt. Radhika Devi
By Legal Practitioner for Respondent

Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rajesh Sharma, Ld. Counsel for the applicants-respondents and Shri C.S Rawat, Ld. Counsel for the respondent-applicant. Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present.</p> <p><u>M.A. No. 445 of 2019</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 20.09.2018, passed by this Court in O.A. No. 48 of 2017, which is delayed by 06 months and 11 days in filing the application for leave to appeal. As no sufficient cause has been shown, therefore, the application seeking condonation of delay is disallowed.</p> <p><u>M.A. No. 446 of 2019</u></p> <p>Dehors the rejection of the application seeking condonation of delay the Leave to Appeal has been considered. Since no general question of public importance of law has been shown to have been involved in the matter, therefore, the Leave to Appeal is also disallowed.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

M.A. No. 447 of 2019 with M.A. No. 448 of 2019 Inre : O.A. No. 362 of 2018

Union of India & Others
By Legal Practitioner for the Applicants

Applicants-Respondents

Versus

Bahadur Singh Bhandari
By Legal Practitioner for Respondent

Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Shri Rajesh Sharma, Ld. Counsel for the applicants-respondents and Shri C.S. Rawat, Ld. Counsel for the respondent-applicant.</p> <p>Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present.</p> <p><u>M.A. No. 447 of 2019</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 20.09.2018, passed by this Court in O.A. No. 362 of 2018, which is delayed by 06 months and 11 days in filing the application for leave to appeal. As no sufficient cause has been shown, therefore, the application seeking condonation of delay is disallowed.</p> <p><u>M.A. No. 448 of 2019</u></p> <p>Dehors the rejection of the application seeking condonation of delay the Leave to Appeal has been considered. Since no general question of public importance of law has been shown to have been involved in the matter, therefore, the Leave to Appeal is also disallowed.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p style="text-align: left;">AKD/SB/-</p>

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

O.A. No. 332 of 2018

Smt. Rita Rani
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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri Lalit Kumar, Advocate, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>Lt. Col. Subodh Verma, Officer Incharge, Legal Cell is also present.</p> <p>Brief holder appearing on behalf of the Ld. Counsel for the applicant prays for adjournment.</p> <p>As prayed, list this case on 10.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/SB/-</p>

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

O.A. No. 449 of 2018

Ex. Havildar/Hony. Nb. Sub. Dungar Singh Khati Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice V.K. Shali) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 448 of 2018

Ex. Havildar/Hony. Nb. Sub. Diwan Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Judgment pronounced.</p> <p>Original Application is partly allowed.</p> <p>For orders, see our judgment and order of date passed on separate sheets.</p> <p>Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 446 of 2018

Ex. Havildar/Hony. Nb. Sub. Mohan 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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 444 of 2018

Ex. Havildar/Hony. Nb. Sub. Maharwan 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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>SB/-</p>

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

O.A. No. 445 of 2018

Ex. Havildar/Hony. Nb. Sub. Anand 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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>SB/-</p>

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

O.A. No. 451 of 2018

Ex. Havildar/Hony. Nb. Sub. Darwan 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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>SB/-</p>

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

O.A. No. 519 of 2018

Ex. Havildar/Hony. Nb. Sub. Chandra 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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Judgment pronounced.</p> <p style="text-align: center;">Original Application is partly allowed.</p> <p style="text-align: center;">For orders, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>SB/-</p>

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

O.A. No. 526 of 2018

Krishna Devi W/o Ex. Hav./Hony. Nb. Sub. Late Govind Puri Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Judgment pronounced.</p> <p>Original Application is partly allowed.</p> <p>For orders, see our judgment and order of date passed on separate sheets.</p> <p>Misc Applications, pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>AKD/-</p>

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

Ex.A. No. 211 of 2018 Inre : O.A. No. 279 of 2018

Kharak Singh Bhandari
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><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents alongwith Lt Col Subodh Verma, Departmental Representative.</p> <p><u>Ex.A. No. 211 of 2018</u></p> <p style="text-align: center;">Lt Col Subodh Verma, Departmental Representative has drawn our attention to the order dated 1st June 2018 and contended that direction for payment of service element to the applicant is causing some confusion.</p> <p style="text-align: center;">We have read the order. We do not find any ambiguity in the order in question with regard to entitlement of the applicant. It seems that the officer of the respondents are taking a hyper technical objection only in order to justify their non implementation of the order. We hope and trust that the respondents shall comply with the aforesaid order within a period of six weeks from today, failing which we shall pass peremptory order if the same is not done within six weeks from today. The respondents shall pay cost of Rs.20,000/- to the applicant, which of course, the respondents are free to recover the same from the officer concerned, after holding an enquiry and fixing the responsibility, who caused the delay in execution of the order.</p> <p style="text-align: center;">List this case on 11.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice V.K. Shali) Member (J)</p> <p>PKG/GSR</p>

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

O.A. No. 37 of 2011 along with R.A. No. 23 of 2015 Inre : T.A. No. 101 of 2011

Narayan Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents
AND		

R.A. No. 23 of 2015 Inre : T.A. No. 101 of 2011 along with O.A. No. 37 of 2011

B.S. Ghuman By Legal Practitioner for the Petitioner	Versus	Petitioner
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.05.2019</u> <u>Hon'ble Mr. Justice V.K. Shali, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Pushpa Bhatt, Advocate on behalf of the respondents is taken on record. Her name be shown as Ld. Counsel for the respondents when the case is listed next.</p> <p>Present: Shri Kishore Rai, Advocate holding brief of Shri Lalit Kumar, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p>These are two cases, in which learned proxy counsel for the applicant has prayed for adjournment on behalf of Shri Lalit Kumar, Advocate. It is further stated that both these cases are interconnected. We are sitting in the Circuit Bench at least after five months and despite the fact that Shri Lalit Kumar, Advocate had appeared on the first two dates, not a single matter was argued, although he had a number of cases listed before the Tribunal. For the remaining two dates, adjournment has been sought for one reason or the other despite the fact that these matters are pending for quite some time.</p> <p>We have perused the records of both these cases. There is no linkage between O.A.No.37 of 2011 and T.A.No.101 of 2011. In O.A.No.37 of 2011 a challenge has been made against the dismissal of the applicant pursuant to the Summary Court Martial on account of desertion and absence without leave, while in T.A.No.101 of 2011 which was received by the Tribunal on transfer from Uttrakhand High Court, the matter stands disposed of by dismissing the said T.A. In the T.A. the issue pertained to discharge of the applicant in the said case on account of being unfit to continue in service. An Invalidating Medical Board is purported to have taken place in the said matter.</p> <p>The grievance of the applicant in the main matter was that the Invalidating Medical Board did not have a specialist, so the Division Bench of this Tribunal has dealt with this submission of the learned counsel for the applicant and referred to certain provisions/regulations and taken a different view that presence</p>

of specialist in the Invalidating Medical Board is not a *sine quo non*. Thus the final order of dismissal of the T.A. was passed.

The applicant feeling aggrieved assailed the said order of the Tribunal before the Division Bench in the Uttranchal High Court by preferring a writ petition bearing no. (S/B) 401 of 2014. While the writ petition was pending, Hon'ble Supreme Court passed the order in Civil Appeal No.7400 of 2013 Union of India & others vs. Maj Gen Shri Kant Sharma & another wherein it was held that against the final order of the Tribunal, only an appeal under Section 31 is applicable. This was set up as a basis by the learned counsel for the applicant seeking withdrawal of the writ petition from the High Court with liberty to file a review application. Consequent to this, Review Application No.23 of 2015 has been filed before this Bench of the Tribunal, which itself is pending since 2015 i.e. almost four years. No sincere effort over and above seems to have been made by the learned counsel for the applicant to argue the review application.

Today also when the matter is listed, again adjournment is sought. We cannot be a party to frivolous adjournment being made on behalf of the learned counsel and thus unnecessary increase the pendency of the Tribunal. We have gone through the contents of the review application.

In the Review Application, learned counsel for the applicant has once again raised the issue and referred some provisions to contend that the Invalidating Medical Board must have a specialist. This aspect of the matter has already been dealt with by the main judgment, while dismissing the T.A. Reference in this regard has been made in Para 35 of the said judgment. Thus, the view of the learned counsel is constituting an error in law, which has necessitated in filing of the review application. Error of law cannot be a ground for review. A review can be made only if there is an error apparent in the face of record, while under the garb of review, an attempt is being made by the learned counsel to re-argue the matter. This cannot be permitted to be done. Further, to ensure that the matter is not heard, two matters have been clubbed which have absolutely no linkage.

For the aforesaid reasons, we are absolutely in no doubt that the Review Application is totally frivolous, vexatious and, therefore, deserves to be dismissed. Though it warranted imposition of cost as lot of time of the Tribunal has been wasted by such an application which has been listed on may dates. However, we refrain to do so.

So far as O.A.No.37 of 2011 is concerned, i.e. detach and be listed in July 2019 for the purpose of arguments.

Review Application is **dismissed**.

O.A.No.37 of 2011 is listed on **10.07.2019** for hearing.

(Air Marshal B.B.P. Sinha)
Member (A)

(Justice V.K. Shali)
Member (J)