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

O.A. No. 182 of 2022 with M.A. No. 231 of 2022

Smt. Asha Thapa D/o Late Jushya Thapa 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Niraj Upreti on behalf of respondents is taken on record. Registry is directed to show his name as learned counsel for the respondents on the next date of listing. Heard Shri Akshay Latwal, Ld. Counsel for the applicant and Shri Niraj Upreti, Ld. Counsel for the respondents. Applicant Asha Thapa who claims herself to be daughter of Late Jushya Thapa has filed this application for grant of family pension. It is submitted that applicant's father was discharged from Indian Army in the year 1932 in the rank of Sub and thereafter he was granted service pension. It is further submitted that after the death of applicant's father the mother of the applicant namely Kalawati Thapa was getting family pension who also died in the year 2010. The case of the applicant is that she is unmarried daughter of Late Jushya Thapa as such she is entitled for family pension after the death of her mother. It is also her case that she made several representatios for grant of family pension but no heed was paid, hence this application. There is delay of 8 years, 11 months and 13 days in filing O.A. An application for condonation of delay has been filed which is supported with affidavit. Learned counsel for the respondents, on the other hand submitted that late Jushya Thapa was discharged in the year 1932 and died in the year 1953. He further submitted that all original documents relating to Jushya Thapa have been destroyed. He prays for and is granted two weeks time to file objection against delay condonation application. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri CS Rawat, Ld. Counsel for the applicant, Shri Rajesh Sharma, learned counsel for respondent No 1 to 4 and Ms. Vandana Singh, Ld. Counsel for the respondents No 5 and 6. In regard to compliance, submission of learned counsel for the applicant is that a sum of Rs. 1,16,867/- is being wrongly recovered from the arrears payable to the applicant in the name of invalid gratuity whereas there is no such mention in the order. His further submission is that invalid gratuity of Rs. 1,16,867/- was never paid to the applicant. He further submits that from the calculation sheet filed along with affidavit of compliance, it is not clear whether interest on arrears @ 10% has been paid or not and if paid, what amount has been paid. In reply, learned counsel for the respondents submits that Rs. 1,16,867/- was paid to the applicant at the time of his invalidment towards invalid gratuity which is recoverable after disability pension being allowed. He further submits that Rs. 1,16,867/- was paid to the applicant at the time of his discharge which took place in the year 2007. As regards interest, learned counsel for the respondents No. 5 & 6 submits that she will seek instructions in this regard from the Bank. Upon hearing submissions of learned counsel of both sides and going through the judgment of this Tribunal in O.A., we find that applicant's claim for grant of disability pension @ 20% from the date of discharge has been allowed and respondents have been directed to pay arrears of disability pension within a period of 4 months from the date of order. It is also provided in the order that if the arrear is not paid within the given time respondents shall pay interest on arrears @ 10%. As per rules invalid gratuity is paid only when armed forces personal is invalided out and no disability pension is payable to him. However, if disability pension is paid then invalid gratuity is not paid. Respondents have come up with a specific case that at the time of invalidment a sum of Rs.

	1,16,867/- was paid to the applicant as invalid gratuity. Be it as it may, this amount is recoverable after the grant of disability pension. Applicant's contention that no invalid gratuity was paid to him has to be proved by him which can be done by producing passbook/bank statement of the relevant years i.e. 2007 & 2008 and onwards. Learned counsel for respondents No 5 and 6 shall seek instructions regarding interest paid to the applicant (exact amount) and file supplementary affidavit of compliance annexing therewith bank statement within two weeks. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

Ex.A No.1 of 2020 Inre O.A. No. 279 of 2018

Nishant Bhandari Grandson of (late)
Ex. Hav. Kharak Singh Bhandari 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents No 1 to 4 and Shri Vivek Rawat, Assistant Manager, State Bank of India, Tanakpur Branch, District- Champawat, (UK) are present. Shri Vivek Rawat, Assistant Manager, SBI, has also brought with him a calculation sheet and when he was asked to bring the same on record, he said that since he has not engaged any counsel in the case, therefore, it is not possible to bring calculation sheet on record today. In the circumstances, Branch Manager, State Bank of India, Tanakpur Branch, is directed to remain physically present in the Court on the next date fixed and to bring calculation sheet on record by way of affidavit. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

Ex.A No. 42 of 2020 Inre T.A. No. 4 of 2018

Smt. Sita Thapa Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Kishore Rai, Ld. Counsel for the petitioner and Shri Rajesh Sharma, Ld. Counsel for the respondents. It is submitted by learned counsel for the respondents that in regard to compliance of the order Govt. sanction has been accorded. He further submitted that certain documents are required from the applicant for generation of PPO for which she has been asked and on receipt, the same would be forwarded to the concerned authority for generation of PPO. In view of above, four weeks further time is granted to the respondents to file affidavit of compliance annexing therewith copy of PPO. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

Ex.A No. 15 of 2021 Inre O.A. No. 367 of 2018

Ex. Sep Ghura Nand 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Dinesh Gahatori, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. It is submitted by learned counsel for the respondents that in regard to compliance, Govt. sanction has been accorded on 12.05.2022. He further submits to grant four weeks time to file compliance report, annexing therewith with copy of PPO, which is allowed. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

Ex. A No. 52 of 2022 Inre O.A. No. 544 of 2020

Ex. Lance Nk Narendar 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Kishore Rai, Advocate, holding brief of Shri GD Joshi, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. Learned counsel for the respondents submits that in compliance of the order, PPO has been generated and its copy has been forwarded to the applicant. A copy of PPO has been received today in Court by learned counsel for the applicant also. We have gone through the copy of PPO which was produced before us and from perusal, we find that it is in terms of the order. Order seems to has been complied with. Accordingly, Execution Application is **dismissed** being infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

M.A. No. 880 of 2021 with M.A. 881 of 2021 Inre T.A. No. 08 of 2012

Prakash 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Ms. Shruti Joshi and Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that copy of recall application has not been supplied to him. Let it be supplied within three days. Thereafter, respondents will have three weeks time to file objection. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 701 of 2021

Ex. Nk Laxmi Datt 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vikram Singh Dhapola, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. Counter affidavit filed by the respondents is taken on record. Original Application is **allowed**. For orders, see our judgment passed on separate sheets. Misc. Applications, pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 706 of 2021

Smt. Usha Devi M/o Late L/NK Deepak 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. Counter affidavit filed by the respondents is taken on record. List on **01.06.2022** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 709 of 2021

Col. PR Kathuria (Retd) 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. On the request of learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 710 of 2021

Ex. Hav. Lachham 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. Counter affidavit filed by the respondents is taken on record. Original Application is **allowed**. For orders, see our judgment passed on separate sheets. Misc. Applications, pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 711 of 2021

Ex. Hav. Balbir 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. On the request of learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 712 of 2021

Ex. Rfn Chandra Mohan 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. Counter affidavit filed by the respondents is taken on record. List on **01.06.2022** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 713 of 2021

Visha Devi M/o Late Rfn Nandan 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter affidavit filed by the respondents is taken on record. Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents. Original Application is **allowed.** For orders, see our judgment passed on separate sheets. Misc. Applications, pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 714 of 2021

Ex. Gnr 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents. Counter affidavit filed by the respondents is taken on record. Original Application is **dismissed.** For orders, see our judgment passed on separate sheets. Misc. Applications, pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 715 of 2021

Ex. Nk Arjun 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents. Counter affidavit filed by the respondents is taken on record. Original Application is **allowed.** For orders, see our judgment passed on separate sheets. Misc. Applications, pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 124 of 2022

Ex. Hav Udai 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Sanjay Bhatt and Shri Prem Prakash Bhatt, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 125 of 2022

Rfn. Kuldeep 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri MS Bhandari, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 126 of 2022

Ex. Hav(Hony Nb Sub) Sher 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Tarun PS Takuli, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 127 of 2022

Ex. Nk Surendra 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri MS Bhandari, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 133 of 2022

Ex. Nk Harish Chandra Singh Rautela 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri CS Rawat, Shri Nitin Singh and Shri Digvijay Singh Bisht, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 134 of 2022 with M.A. No. 173 of 2022

Ex. PNR Sher Ram 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vivek Kumar, Advocate, holding brief of Shri CS Rawat, Shri Nitin Singh and Shri Digvijay Singh Bisht, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. On the request of learned counsel for the respondents, list this matter on **01.06.2022** for hearing on delay condonation application. Reply, if any, may be filed by the date fixed. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 136 of 2022

Ex. Sep Dhan 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Rajveer Singh, Ld. Counsel for the applicant and Shri Rajesh Shrama, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 158 of 2022

Ex. Nk Raghunandan 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri CS Rawat, Shri Nitin Singh and Shri Digvijay Singh Bisht, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 178 of 2022

L/Nk Naresh Naudiyal 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Shri Ashish Kumar Singh and Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 179 of 2022

Ex. L/Nk Ravi Bhatt 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Dr. S.N. Pandey and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 180 of 2022

Ex. Sub Rampal Singh Rawat 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 181 of 2022

Smt. Basanti Devi W/o Ex. Sigmn
(Late)Harish Chandra Singh Koranga 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit as a last chance. List on **05.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

R.A. 92 of 2021 Inre O.A. No. 567 of 2020

Ex. LAC Rajendra 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vinay Bhatt and Mohammad Hasnain Raza, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the applicant, list on **31.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB/UKT

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

O.A. No. 157 of 2021

Smt. Durga Devi 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
	30.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents. 2. This O.A. has been filed by the applicant in terms of Section 14 of the Armed Forces Tribunal Act, 2007 by which the following reliefs have been claimed:- (a) A direction to quash the order dated 19.09.2017 passed by the respondent No 3 (contained das Annexure No 2 to this Original Application) or to- (b) A direction to grant the ordinary family pension as is admissible to the families of the personnel in receipt of reservist pension at par with the other retirees. (c) A direction to revision of service pension of the husband of applicant as per the recommendations of 5th, 6th and 7th CPC respectively. (d) To summon the entire records of the applicant pertaining to computation of his disability pension. (e) Any other relief to which the applicant is found entitled may also very kindly be granted to the applicant. 3. Brief facts of the case are that husband of the applicant No 6581102 Ex Sepoy (late) Prabhu Dayal Singh was enrolled in the Army on 10.12.1951 and he was discharged from service on fulfilling the conditions of his enrolment on 04.04.1967. After discharge from service he was granted Ex Gratia pension vide PPO No S/0058/2010 dated 02.11.2010. In the year 2017, when the applicant was alive, an application dated 13.07.2017 was forwarded to respondent No 4 for revision of his service pension which the respondent No 4 vide letter dated 19.09.2017 denied stating that personnel in receipt of Ex Gratia Pension are not entitled to revision of pension as per Circulars 555 and 570 issued by PCDA (P), Allahabad. Applicant's husband died on 23.12.2021.

This O.A. has been filed by the applicant for revision of Ex Gratia Pension as per Circulars issued by PCDA (P), Allahabad.

4. Learned counsel for the applicant submitted that her husband was entitled to revision of pension and thus, she is also entitled to receive revised family pension as per Circular Nos 555 and 570 issued by PCDA (P), Allahabad. He further submitted that in this regard a representation was made on 13.07.2017 but it was rejected vide letter dated 19.09.2017 stating therein that Ex Gratia Pension is not revisable as per extant rules. He however, pleaded for grant of revised family pension to the applicant as per revised rates.

5. On the other hand, learned counsel for the respondents submitted that the applicant was enrolled in the Army on 10.12.1951 and he was discharged from service on 04.04.1967. Accordingly, he was granted Ex Gratia Pension vide PPO dated 02.11.2010. He, however, submitted that service documents in respect of applicant's husband have been destroyed as per Para 595 of Regulations for the Army, 1987 (Revised Edition) and Sheet Roll is available and as per which the applicant is legally wedded wife of the deceased soldier. He further submitted that since revision of OROP has not been made applicable to reservist pensioners in accordance with rules, applicant is not entitled to revised pension. He pleaded for dismissal of O.A.

6. We have heard Shri Kishorse Rai, learned counsel for the applicant and Shri Neeraj Upreti, learned counsel for the respondents and perused the material placed on record.

7. There is no dispute that applicant's husband was enrolled in the Army on 10.12.1951 and he was discharged from service w.e.f. 04.04.1967. After discharge from service he was sanctioned and granted Ex Gratia Pension vide PPO dated 02.11.2010 which he received till death i.e. 23.12.2021. Applicant is claiming revision of pension/family pension as per Circulars 555 and 570 issued by PCDA (P), Allahabad. In this regard she had approached Records ASC (South), Bangalore vide letter dated 13.07.2017 which was denied vide letter dated 19.09.2017 (Annexure No 2) stating that Circulars 555 and 570 are not applicable to the personnel who were granted Ex Gratia Pension.

8. As per rules prevalent at that time applicant was engaged in the Army for terms of service of 12 years colour service and 8 years in reserve. As per para 155 of the Pension Regulation for the Army 1961 "An OR reservist who is not in receipt of a service pension may be granted on completion of the prescribed combined colour and reserve qualifying service of not less than 15 years, a reservist pension/ex gratia pension equal to ⅔rd of the lowest pension admissible to a Sepoy but in no case less than Rs. 375/- p.m on his transfer to pension establishment either on completion of his term of engagement or prematurely, irrespective of the period of colour service."

9. Accordingly, applicant's husband was sanctioned Ex Gratia Pension and paid accordingly. We have perused letter dated 19.09.2017 and we find that in

	terms of para 4.1 of Govt of India, Min of Def letter dated 03.02.2016 the benefits of revision of pension are not applicable to reservist pensioners and as such Circular No 555 and 570 issued by PCDA (P), Allahabad are not applicable to them being beneficiaries of Ex Gratia Pension. 10. In view of the above, we find no merit in the case and it is accordingly, **dismissed**. 11. No order as to costs. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore