E-Court

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

1. O.A. No. 770 of 2022 with M.A. No. 947 of 2022

Ex. Nk. Ganesh 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**
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Lt. Col. Nidhikant Dhyani (Retd.), Ld. Counsel appearing for the applicant and Shri Rajesh Sharma, Ld. Counsel appearing for the respondents. This application has been filed against recovery of Rs.1,14,961/- which the respondents have made from the account of the applicant. Ld. Counsel for the applicant submits that applicant has retired from the Territorial Army after rendering more than 15 years embodied service. At the time of discharge from service a sum of Rs.1,14,961/- was recovered saying excess payment has been made to the applicant in the form of annual increment. A prayer has also been made for issuing direction to the respondents to grant annual increment to the applicant. It is submitted that there is a delay of 15 years, 11 months and 21 days in filing the Original Application which is not intentional. Further, the cause of action is recurring cause. Ld. Counsel for the respondents has vehemently opposed the prayer. Upon hearing submissions of Ld. Counsel of both sides we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off accordingly. **O.A. No. 770 of 2022** Case needs adjudication. Admit. Issue notice to the respondents. Shri Rajesh Sharma, Advocate has accepted notice on behalf of the

	respondents, hence service of notice is waived. Respondents may file Counter Affidavit within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any. List on **27.02.2023.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

2. O.A. No. 771 of 2022 with M.A. No. 948 of 2022

Ex. Sep. Mahesh Chandra Kapri 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Lt. Col. Nidhikant Dhyani (Retd.), Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. This application has been filed against recovery of Rs.2,58,077/- which the respondents have made from the account of the applicant. Ld. Counsel for the applicant submits that applicant has retired from the Territorial Army after rendering more than 13 years embodied service. At the time of discharge from service a sum of Rs.2,58,077/- was recovered saying excess payment has been made to the applicant in the form of annual increment. A prayer has also been made for issuing direction to the respondents to grant annual increment to the applicant. It is submitted that there is a delay of 11 years, 06 months and 18 days in filing the Original Application which is not intentional. Further, the cause of action is recurring cause. Ld. Counsel for the respondents has vehemently opposed the prayer. Upon hearing submissions of Ld. Counsel of both sides we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off accordingly. **O.A. No. 771 of 2022** Case needs adjudication. Admit.

	Issue notice to the respondents. Shri Rajesh Sharma, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived. Respondents may file Counter Affidavit within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any. List on **27.02.2023.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

3. O.A. No. 772 of 2022 with M.A. No. 949 of 2022

Ex. Nk. Rajendra Prasad 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Lt. Col. Nidhikant Dhyani (Retd.), Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. This application has been filed against recovery of Rs.1,77,077/- which the respondents have made from the account of the applicant. Ld. Counsel for the applicant submits that applicant has retired from the Territorial Army after rendering more than 15 years embodied service. At the time of discharge from service a sum of Rs.1,77,077/- was recovered saying excess payment has been made to the applicant in the form of annual increment. A prayer has also been made for issuing direction to the respondents to grant annual increment to the applicant. It is submitted that there is a delay of 16 years, 08 months and 18 days in filing the Original Application which is not intentional. Further, the cause of action is recurring cause. Ld. Counsel for the respondents has vehemently opposed the prayer. Upon hearing submissions of Ld. Counsel of both sides we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off accordingly. **O.A. No. 772 of 2022** Case needs adjudication. Admit.

	Issue notice to the respondents. Shri Rajesh Sharma, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived. Respondents may file Counter Affidavit within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any. List on **27.02.2023.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

4. O.A. No. 773 of 2022 with M.A. No. 950 of 2022

Ex. Nk. Narayan Datt Punetha 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Lt. Col. Nidhikant Dhyani (Retd.), Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. This application has been filed against recovery of Rs.2,93,601/- which the respondents have made from the account of the applicant. Ld. Counsel for the applicant submits that applicant has retired from the Territorial Army after rendering more than 15 years embodied service. At the time of discharge from service a sum of Rs.2,93,601/- was recovered saying excess payment has been made to the applicant in the form of annual increment. A prayer has also been made for issuing direction to the respondents to grant annual increment to the applicant. It is submitted that there is a delay of 06 days only in filing the Original Application which is not intentional. Further, the cause of action is recurring cause. Ld. Counsel for the respondents has vehemently opposed the prayer. Upon hearing submissions of Ld. Counsel of both sides we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off accordingly. **O.A. No. 773 of 2022** Case needs adjudication. Admit. Issue notice to the respondents. Shri Rajesh Sharma, Advocate has accepted notice on behalf of the

	respondents, hence service of notice is waived. Respondents may file Counter Affidavit within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any. List on **27.02.2023.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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Form No. 4
{See rule 11(1)}
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(CIRCUIT BENCH AT NAINITAL)

5. O.A. No. 774 of 2022 with M.A. No. 951 of 2022

Ex. Nk. Shyam Datt 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Lt. Col. Nidhikant Dhyani (Retd.), Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents. There is a delay of 18 years, 10 months and 18 days in filing of Original Application. This application has been filed against recovery of Rs.2,06,000/- which the respondents have made from the account of the applicant. Ld. Counsel for the applicant submits that applicant has retired from the Territorial Army after rendering more than 16 years embodied service. At the time of discharge from service a sum of Rs.2,06,000/- was recovered saying excess payment has been made to the applicant in the form of annual increment. A prayer has also been made for issuing direction to the respondents to grant annual increment to the applicant. It is submitted that there is a delay of 18 years, 10 months and 18 days in filing the Original Application which is not intentional. Further, the cause of action is recurring cause. Ld. Counsel for the respondents has vehemently opposed the prayer. Upon hearing submissions of Ld. Counsel of both sides we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off accordingly. **O.A. No. 774 of 2022** Case needs adjudication.

	Admit. Issue notice to the respondents. Shri Neeraj Upreti, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived. Respondents may file Counter Affidavit within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any. List on **27.02.2023.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

6. O.A. No. 993 of 2022 with M.A. No. 1201 of 2022.

Ex. Sep. Birpal Singh Negi 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri M.S. Bhandari, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability pension. There being a delay of 22 Years, 08 months and 22 days in filing the Original Application a delay condonation application has been filed. Ld. Counsel for the applicant submits that delay in filing the Original Application is not deliberate. Further, limitation is not applicable in pensionary matter. Ld. Counsel for the respondents has vehemently opposed the prayer. Cause show is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 993 of 2022** Case needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List on **27.02.2023.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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7. O.A. No. 997 of 2022 with M.A. No. 1203 of 2022

Ex. Sep. (Cook) Khem 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. Heard Shri Kishore Kumar and Shri Harish Adhikari, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents. There is a delay of 47 years, 04 months and 11 days in filing of Original Application. It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 21.11.1960 and discharged on 28.11.1972. Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate. His further submission is that since in the year of 1972 there was no proper facilities for up-keeping the letters/representations because the applicant was shelter less and was trying to look after the survival of his family without any pension or assistance from the respondents and the he was looking for a new job and consequent thereto he was selected for the post of Security Guard on temporary basis in Govind Ballabh Pant Nagar University and discharged from there after completing 60 years of age. Thereafter, the applicant fell ill and was busy in getting himself treated from different hospitals. He further submits that limitation is not applicable in pensionary matters. Thus, his submission is that delay in filing application is not deliberate, but for the reasons stated above. Ld. Counsel for the respondents has vehemently opposed the prayer and

	has submitted that long delay of more than 47 years has not been properly and satisfactorily explained. He further submits that applicant's husband was non pensioner, therefore, his service documents including constituents thereof may have been destroyed after expiry of retention period as per para 595 of Regulations for the Army 1987. Long Roll in respect of pensioners and non- pensioners are retained for a period of 50 years and 25 years respectively from the date of becoming non-effective. Further submission of Ld. Counsel for the respondents is that since documents relating to applicant may have been destroyed on expiry of mandatory retention period of 25 years being a non-pensioner, therefore, family pension cannot be granted at this stage. Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay in filing Original Application is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case. Further, we find that documents relating to ex army person are destroyed after mandatory retention period in terms of para 595 of Regulations for the Army, 1987. In view of the above, delay condonation application is **dismissed**. Original Application being time barred is also **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

8. Ex. A. No. 307 of 2022 Inre : O.A. No. 430 of 2021

Smt. Leela goswami W/o Ex. Nb. Sub. Rajendra Kumar 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next. 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. This application has been filed for implementation of order dated 22.02.2022 of this Tribunal in Original Application No. 430 of 2021. Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

9. M.A. No. 952 of 2022 with M.A. No. 953 of 2022 Inre ; O.A. No. 430 of 2021

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Smt. Leela Goswami W/o Ex. Nb. Sub. Rajendra Kumar Respondent
By Legal Practitioner for Respondent

Notes of the Registry	**Orders of the Tribunal**
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rajesh Sharma, Ld. Counsel for the applicants – Union of India & Others and Shri Kishore Rai, Ld. Counsel for the respondent herein. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 22.02.2022 of this Tribunal in Original Application No. 430 of 2021 by which respondents have been directed to grant disability pension to the applicant @30% for life to be rounded off to 50% for life from the next date of his discharge and arrears have been restricted to three year prior to filing of Original Application. It is further directed that the order will be complied within four weeks from the date it is passed. It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 05 months and 07 days in filing of application be condoned. In view of the facts stated in affidavit filed in support of delay condoantion application, we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condoantion application stands disposed off accordingly. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

10. Ex. A. No. 308 fo 2022 Inre : O.A. No. 514 of 2020

Ex. Nk. Dalip 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next. 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. This application has been filed for implementation of order dated 15.11.2021 of this Tribunal in Original Application No. 514 of 2020. Ld. Counsel for the applicant submits that despite there being a direction in the order to make compliance of the order within four months nothing has been done till date. Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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Form No. 4
{See rule 11(1)}
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(CIRCUIT BENCH AT NAINITAL)

11. Ex. A. No. 309 of 2022 Inre : O.A. No. 162 of 2021

Ex. Nk. (TS) Birendra Kumar Lakhera 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next. 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. This application has been filed for implementation of order dated 03.08.2021 of this Tribunal in Original Application No. 162 of 2021. Ld. Counsel for the applicant submits that despite there being a direction in the order to make compliance of the order within four months nothing has been done till date. Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

12. Ex. A. No. 310 of 2022 Inre : O.A. No. 427 of 2021

Ex. Nk. Devendra 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next. 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. This application has been filed for implementation of order dated 02.06.2022 of this Tribunal in Original Application No. 427 of 2021. Ld. Counsel for the applicant submits that despite there being a direction in the order to make compliance of the order within four months nothing has been done till date. Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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13. Ex. A. No. 311 of 2022 Inre : O.A. No. 428 of 2021

Smt. Sushila Devi W/o Late Ex. Nk. Kunwar 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Neeraj Upreti, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next. 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. This application has been filed for implementation of order dated 22.02.2022 of this Tribunal in Original Application No. 428 of 2021. Ld. Counsel for the applicant submits that despite there being a direction in the order to make compliance of the order within four months nothing has been done till date. Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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14. M.A. No. 954 of 2022 with M.A. No. 955 of 2022 Inre : O.A. No. 128 of 2022

Union of India & Others Applicants
By Legal Practitioner for the Applicant

Versus

Ex. Nk. Than Singh Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rajesh Sharma, Ld. Counsel for the applicants – Union of India & Others. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 13.05.2022 of this Tribunal in Original Application No. 128 of 2022. It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 02 month and 13 days in filing of application be condoned. In view of the facts stated in affidavit filed in support of delay condoantion application, we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condoantion application stands disposed off accordingly. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

15. M.A. No. 956 of 2022 with M.A. No. 957of 2022 Inre : O.A. No. 528 of 2018

Union of India & Others Applicants
By Legal Practitioner for the Applicant

Versus

Ex. L/Nk. Mohan Singh Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rajesh Sharma, Ld. Counsel for the applicants – Union of India & Others. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 09.03.2021 of this Tribunal in Original Application No. 528 of 2018. It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 03 month and 15 days in filing of application be condoned. In view of the facts stated in affidavit filed in support of delay condoantion application, we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condoantion application stands disposed off accordingly. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

16. M.A. No. 1043 of 2022 with M.A. No. 1044 of 2022 Inre : O.A. No. 177 of 2021

Ex. Nk. Lalit Mohan Chandra Joshi 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
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajesh Sharma, Advocate on behalf of the respondents is taken on record. Heard Shri Rajendra Arya, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 24.02.2022 of this Tribunal in Original Application No. 177 of 2021. It is submitted by the Ld. Counsel for the applicant that applicant wants to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 06 month and 08 days in filing of application be condoned. In view of the facts stated in affidavit filed in support of delay condoantion application, we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condoantion application stands disposed off accordingly. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

17. 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
	05.12.2022 **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 Dheeeraj Joshi, Advocate holding brief of Shri C.S. Rawat, Ld. Counsel for the applicant, Shri Rajesh Sharma, Ld. Counsel for the respondent Nos. 1 to 4 and Shri Kishore Rai, Advocate holding brief of Ms. Vandana Singh, Ld. Counsel for the respondent Nos. 5 and 6 are present. Shri Kishore Rai holding brief of Ms. Vandana Singh, Ld. Counsel for the respondent Nos. 5 and 6 submits to grant three weeks further time to file Supplementary Affidavit which is allowed. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

18. Ex. A. No. 01 of 2020 Inre : O.A. No. 279 of 2018

Nishant Bhandari Grand son 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
	05.12.2022 **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 Shri Neeraj Upreti, Ld. Counsel for the respondent Nos. 1 to 4, two weeks further time is granted to issue copy of PPO to the concerned Bank afresh with direction to the Bank to make compliance of it within two weeks from the date of its receipt. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

19. 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
	05.12.2022 **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 no one is present on behalf of the applicant. Shri Rajesh Sharma, Ld. Counsel for the respondents is present and he submits that he has filed affidavit of compliance which be taken on record. Affidavit of compliance filed by the respondents is taken on record. We have gone through the affidavit of compliance and we find that order has been complied with. Accordingly, Execution Application is **dismissed** being infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

20. Ex. A. No. 99 of 2022 Inre : O.A. No. 183 of 2021

Smt. Jasodha Devi W/o Larte Ex. Sep. Har 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
	05.12.2022 **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 Ld. Counsel for the respondents, three weeks further time is granted to issue Corrigendum PPO and to file affidavit of compliance. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

21. Ex. A. No. 100 of 2022 Inre : O.A. No. 185 of 2014

Rfn. Lal Bahadur Gurung 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
	05.12.2022 **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 Ld. Counsel for the applicant, three weeks further time is granted to produce updated copy of Pass-Book. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

22. 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
	05.12.2022 **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 P.S. Takuli, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

23. O.A. No. 129 of 2022

Smt. Raj Rani W/o Rfn. Sukhdev 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
	05.12.2022 **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. Pleadings have been exchanged between the parties. In view of the fact that question pertaining to Maintenance Allowance is pending decision before Larger Bench, Armed Forces Tribunal, Principal Bench, New Delhi. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

24. O.A. No. 132 of 2022

Ex. Hav. Pratap 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
	05.12.2022 **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 Dheeraj Joshi, Advocate holding brief of Shri C.S. Rawat, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. Original Application is **allowed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

25. O.A. No. 149 of 2022

Ex. Gnr. Ajay Kumar 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
	05.12.2022 **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. Original Application is **dismissed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

26. O.A. No. 150 of 2022

Jasoda Devi W/o Late Sep. Murari 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
	05.12.2022 **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. Original Application is **dismissed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

27. 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
	05.12.2022 **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. Order is to be dictated in chamber **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

28. O.A. No. 182 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
	05.12.2022 **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 Akshay Latwal, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the applicant, the case is adjourned. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

29. O.A. No. 461 of 2022

Ex. Sgt. Ashok Kumar Pandey 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
	05.12.2022 **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 Prem Prakash Bhatt and Shri Prabhakar Joshi, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

30. O.A. No. 704 of 2022

Ex. Nk. Hayat Singh Kalakoti 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
	05.12.2022 **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 Vikram Singh Dhapola, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

31. O.A. No. 705 of 2022

Ex. L Nk. 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
	05.12.2022 **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 Vikram Singh Dhapola, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

32. O.A. No. 706 of 2022

Ex. Sep. Gusain 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
	05.12.2022 **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 Bipin Bihari, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **27.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

33. O.A. No. 709 of 2022

Smt. Deoki Devi W/o Ex. Spr. 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
	05.12.2022 **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 Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **28.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

34. O.A. No. 710 of 2022

Santosh Singh S/o Latre Hav. Kishan 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
	05.12.2022 **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 Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **28.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

35. O.A. No. 711 of 2022

Lt. Col. Sagar Shahi (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
	05.12.2022 **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 Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **28.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

36. O.A. No. 712 of 2022

Lt. Col. Pankaj Ahuja (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
	05.12.2022 **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 Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **28.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

37. O.A. No. 713 of 2022 with M.A. No. 886 of 2022

Kundal Singh S/o Late Sep. Bhur 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
	05.12.2022 **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 Ld. Counsel for the respondents, three weeks further time is granted to file objection against delay condonation application. List on **28.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

38. O.A. No. 714 of 2022

Ex. Sub. Mahendar 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
	05.12.2022 **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 Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **28.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

39. O.A. No. 715 of 2022

Ex. Sep. Banshi 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
	05.12.2022 **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 **dismissed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

40. O.A. No. 778 of 2022 with M.A. No. 946 of 2022

Ganesh Singh S/o late Gnr. Gopal Singh (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**
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri P.S. Bohra and Shri Prabhat Bohra, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents. Defects have been removed. This application has been filed for the grant of life time arrears of family pension of the mother of the applicant for the period 15.05.2011 to 15.03.2023. There being a delay, a delay condonation application has been filed and it is submitted that delay is not deliberate. Cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off accordingly. **O.A. No. 778 of 2022** Case needs adjudication. Admit. Counter Affidavit has been filed which is taken on record. Rejoinder Affidavit, if any, may be filed within three weeks. List on **28.02.2023** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

41. T.A. No. 8 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
	05.12.2022 **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. Transferred Application is **allowed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

E-Court

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

42. Diary No. 2766 of 2022 Inre : O.A. No. 528 of 2020

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Ex. L/Nk. Ranjeet Singh Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rajesh Sharma, Ld. Counsel for the applicants – Union of India & Others. This application has been filed for modification of order dated 16.11.2021 by which applicants herein have been directed to grant disability pension to the applicant @40% for life which would be rounded off to 50% for life from the next date of his discharge from Defence Security Corps (DSC) within a period of four months from the date of order. It is submitted by the Ld. Counsel for the applicants herein that respondent herein was discharged from DSC service after rendering 10 years and 64 days of qualifying service, as such he is entitled for disability element of disability pension only as he has not completed 15 years of service. But, this Tribunal has granted disability pension which includes disability element as well as service element of disability pension which needs to be modified. Upon hearing submission of Ld. Counsel for the applicants herein – Union of India and Others we find that keeping in mind that in case of individual being invalided out on medical ground is entitled for disability pension and not disability element of disability pension, order has been passed which needs no modification. Accordingly, Modification Application is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-