

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

M.A. No. 130 of 2020 Inre O.A. (Nil) of 2020

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 |
|------------------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Kishor Rai, learned counsel for the applicant and Shri Neeraj Upreti, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;"><u>M.A. No. 130 of 2020</u></p> <p>The Original Application has been filed with delay of 18 years, 09 months and 19 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that cause shown by the applicant is not sufficient.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing of application is condoned. Application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p style="text-align: center;"><u>O.A. No. 183 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Counter affidavit has been filed today in Court by learned counsel for the respondents and the same is taken on record.</p> <p>Learned counsel for the applicant submitted that applicant has died on 29.10.2020.</p> <p>Let steps for substitution be taken within three weeks.</p> <p>List on 02.06.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p> |

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

O.A. No. 545 of 2020

Ex Sep Pratap Singh Karmiyal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p> |

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

O.A. No. 546 of 2020

Ex Sep Khim Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</p> <p style="text-align: center;">Member (A)</p> <p>Member (J) rathore</p> |

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

O.A. No. 547 of 2020

Ex Sep Anand Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative. Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record. Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member Member (J) (A) rathore</p> |

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ORDER SHEET
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(Circuit Bench at Nainital)

O.A. No. 548 of 2020

Ex Nk Kishan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

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ORDER SHEET
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(Circuit Bench at Nainital)

O.A. No. 549 of 2020

Ex Sep Jeet Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative. Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record. Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</p> <p style="text-align: center;">Member Member (A)</p> <p>Member (J) rathore</p> |

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

O.A. No. 550 of 2020

Ex Nb Sub Diwan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative. Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record. Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member Member (J) (A) rathore</p> |

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

O.A. No. 551 of 2020

Ex Nk Kishan Singh alias
Krishan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative. Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record. Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member (A) Member (J) rathore</p> |

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

O.A. No. 552 of 2020

Ex Nb Sub Shyam Ram
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative. Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record. Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member Member (J) (A) rathore</p> |

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

O.A. No. 553 of 2020

Ex Sep Jagdish Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative. Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record. Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member Member (J) (A) rathore</p> |

Form No. 4
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(Circuit Bench at Nainital)

O.A. No. 554 of 2020

Ex Nk Khushi Ram
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p>Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member Member (J) (A) rathore</p> |

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(Circuit Bench at Nainital)

O.A. No. 555 of 2020

Ex Sep Dori Lal

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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(Circuit Bench at Nainital)

O.A. No. 556 of 2020

Ex Sep Khim Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative. Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record. Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member (A) Member (J) rathore</p> |

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(Circuit Bench at Nainital)

O.A. No. 557 of 2020

Ex Sep Mahesh Chandra Joshi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</p> <p style="text-align: center;">Member Member (A)</p> <p>Member (J) rathore</p> |

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

O.A. No. 558 of 2020

Ex Sep Mohan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</p> <p style="text-align: center;">Member (A)</p> <p>Member (J) rathore</p> |

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

O.A. No. 559 of 2020

Ex Sep Anand Ballabh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</p> <p style="text-align: center;">Member Member (A)</p> <p>Member (J) rathore</p> |

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

O.A. No. 560 of 2020

Ex Sep Sri Chand
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member Member (A) Member (J) rathore</p> |

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

O.A. No. 561 of 2020

Ex Sep Pooran Singh Dasila
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Supplementary affidavit along with copy of discharge certificate filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A)</p> <p>Member (J) rathore</p> |

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
(CIRCUIT BENCH NAINITAL)

O.A. No. 512 of 2020

Ex Nk Janardhan Prasad
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>1. Heard Shri TC Pandey, learned counsel for the applicant and Ms Pushpa Bhatt, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p>2. This Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-</p> <p style="padding-left: 40px;">(i) An order or direction quashing the order impugned passed by the respondent No 4 vide Adalat Case No U.R. 87/Lansdowne dated 06.07.1998 as well as letter No 1262275W/DP/Pre-2006/Pen-2 dated 21.08.2019 issued by respondent No 5 annexed as Annexure No A-1 and A-2 to this original application and direct the respondents to grant disability pension in addition to service pension to the applicant from the date of his discharge.</p> <p style="padding-left: 40px;">(ii) An order or direction allowing the application with cost.</p> <p style="padding-left: 40px;">(iii) Any other order or further order or direction which this Hon'ble Tribunal may deem just, fit and proper in the circumstances of the case in favour of the applicant.</p> <p>3. Brief facts of the case are that the applicant was enrolled in the Indian army on 02.03.1974 and was discharged from service w.e.f. 31.05.1984 (AN) in low medical category 'CEE' for disability 'PULMONARY TUBERCULOSIS (011 V-67). In the year 1988 while serving with 100 Mountain Regiment, he applied for premature discharge on compassionate grounds which was sanctioned to release him from service w.e.f. 31.05.1989 at his own request. Accordingly he was discharged from service under Rule 13 (3) III (iv) of Army Rules, 1954. The Release Medical Board (RMB) had assessed his disability @ 50% for two years attributable to military</p> |

service. Accordingly, he was granted disability element for two years from the date of his discharge i.e. 31.05.1989. His Re-survey Medical Board (RSMB) was held on 22.07.2019 which assessed his disability @ 11-14% i.e. below 20% for life and his disability element of pension was stopped. The applicant has not availed any alternative remedy and has filed this O.A. for grant of disability element of pension.

4. Learned counsel for the applicant pleaded that applicant was enrolled in the army in medically and physically fit condition. It was further pleaded that a member is to be presumed in sound physical and mental condition upon entering service if there is no note or record to the contrary at the time of entry. In the event of his subsequently being invalided out from service on medical grounds, any deterioration in his health is to be presumed due to service conditions. He pleaded that applicant was under stress of service conditions which may have led to occurrence of the disability. He pleaded for disability element of pension to be granted to applicant.

5. On the other hand, Ld. Counsel for the respondents submitted that since applicant's disability element has been assessed @ 11-14% for life (i.e. below 20%) his claim has rightly been denied by the respondents. He pleaded for the O.A. to be dismissed.

6. We have heard learned counsel for both sides and perused the material placed on record.

7. On careful perusal of the medical documents, it has emerged that applicant's disability element has been assessed @ 11-14% (i.e. below 20%) for life by RSMB dated 22.07.2019 and therefore his disability element of pension claim was discontinued. The applicant has failed to represent his case by preferring first and second appeals to appellate authorities.

8. In regard to disability element being below 20%, the Hon'ble Supreme Court in Civil Appeal No 10870 of 2018 **Union of India & Ors vs Wing Commander SP Rathore**, has made it clear vide order dated 11.12.2019 that disability element is inadmissible when disability percentage is below 20%. Para 9 of the aforesaid judgment being relevant is quoted as under:-

"9. As pointed out above, both Regulation 37 (a) and Para 8.2 clearly provide that the disability element is not admissible if the disability is less than 20%. In that view of the matter, the question of rounding off would not apply if the disability is less than 20%. If a person is not entitled to the disability pension, there would be no question of rounding off."

9. Apropos above, applicant is not entitled to disability element of pension.

10. In view of the above, the O.A. is devoid of merit and deserves to be dismissed. It is accordingly **dismissed**.

11. No order as to cost.

12. Pending applications, if any, are disposed off.

(Vice Admiral Abhay Raghunath Karve)
Srivastava)

Member (A)

(Justice Umesh Chandra

Member (J)

rathore

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
(CIRCUIT BENCH, NAINITAL)**

ORIGINAL Application No 521 of 2018

Wednesday, this the 10th day of March, 2021

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

Smt Parwati Devi, W/O Late Khayali Datt Joshi, Ex Sepoy No 4142991, R/O Village-Gwad, Post Office-Bhatoda, District-Bageshwar, Uttarakhand.

.....Applicant

Ld. Counsel for: **Shri Kishroe Rai, Advocate**
the applicant

Versus

1. Union of India, Ministry of Defence, Through its Secretary, South Block, New Delhi-110001.
2. PCDA, Draupadighat, Allahabad (UP).
3. Senior Record Officer for OIC Records, Kumaon Regiment, Ranikhet, District Almora.

..... Respondents

Ld. Counsel for the : **Ms Pushpa Bhatt, Advocate**
Respondents Central Govt Counsel.

ORDER

1. The present Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 whereby the applicant has sought the following reliefs:-

- (i) *A direction to quash the order dated 10.08.2002 passed by respondent No 3 (contained as Annexure No 3 to this original application) or to*
- (ii) *A direction to grant the disability pension to the applicant's husband from the date of his invalided out from service i.e. 06.03.1966.*
- (iii) *A direction to grant the family pension to the applicant from the date of her husband's death i.e. September 1996*
- (iv) *A direction to grant the reservist pension to the applicant's husband from the date of his invalided out from service i.e. 06.03.1966.*
- (v) *To summon the entire records of the applicant pertaining to computation of his disability pension.*
- (vi) *Any other relief to which the applicant is found entitled may also very kindly be granted to the applicant.*

2. Brief facts of the case are that husband of the applicant was enrolled in the Indian Army on 10.08.1956 and was invalided out from service w.e.f. 06.03.1966 under Rule 13 (3) III (iii) of Army Rules, 1954 on account of disability '**RHEUMATOID ARTHRITIS**' after having completed about 10 years of service. The records affirm that medical documents in respect of husband of applicant have been destroyed after its stipulated retention period of 25 years under the provisions of Para 592 of Regulations for the Army, 1987 (Revised Edition) being a non pensioner. It is apparent from the record that applicant's husband was not in receipt of any pension during his life time. Applicant has filed this O.A. for grant of disability pension in respect of her late husband and thereafter family pension after demise of her husband w.e.f. September, 1996.

3. Ld. Counsel for the applicant pleaded that the applicant was enrolled in the Army in medically and physically fit condition and was invalided out of service in low medical category. It was further pleaded that a member is to be presumed in sound physical and mental condition upon entering service if there is no note or record in his service documents at the time of entry. In the event of his subsequently being discharged/invalided out from service on medical grounds, any deterioration in his health is to be presumed due to service conditions. Relying upon the Hon'ble Apex Court judgments in the cases of **Dharamvir Singh vs UOI & Ors**, (2013) 7 SCC 316, **Sukhwinder Singh vs UOI & Ors**, (2014) STPL (WEB) 468 SCC, Ld. Counsel for the applicant submitted that the applicant is entitled to grant of disability pension as applicable in view of aforesaid judgment. He further submitted that the disability of

husband of the applicant was due to stress and strain of military service and pleaded for disability pension to her husband and family pension to the applicant w.e.f. September, 1996.

4. On the other hand, learned counsel for the respondents submitted that though the medical documents of the applicant are not available, however, from the records available, it appears that the disability pension claim was rejected by PCDA (P) Allahabad as the disability was regarded as neither attributable to nor aggravated by military service (NANA) and communicated to the applicant vide letters dated 01.07.1998 and 10.08.2002. Learned counsel for the respondents further submitted that numerous petitions have been dismissed by Regional Benches and the Principal Bench on account of non availability of RMB/IMB. He pressed for O.A. to be dismissed.

5. We have heard learned counsel for both sides and perused the material placed on record.

6. At the very outset it has been observed that husband of the applicant was invalided out of service on 06.03.1966 on account of suffering from '**RHEUMATOID ARTHRITIS**'. The personal file of the applicant does not contain medical documents which are necessary for examination of certain factual position of the disease, i.e. the opinion of Medical Board for reasons declaring the disease as NANA as well as percentage of the disability. The counter affidavit filed by the respondents also does not contain the medical documents. The respondents have stated during hearing that the medical documents of the petitioner have been destroyed and are not available. Therefore, neither the applicant nor the respondents have placed on record the medical documents i.e. IMB of husband of the applicant. Thus, in the absence of medical documents no order can be passed by this Tribunal in vacuum.

7. In counter affidavit filed by the respondents it has been brought out that since the applicant was not a pensioner, his service documents have been destroyed on completion of its mandatory retention period of 25 years in accordance with Para 592 to 596 of Defence Service Regulations for the Army, 1987 (Revised Edition).

8. During arguments, Ld. Counsel for the applicant relying upon O.A. No. 30 of 2017 decided by Regional Bench Chennai on 09.02.2018 in the case of *Ex-Sapper G. Jagannathan vs UOI & Ors*, pleaded that the incumbent was granted disability pension in the absence of medical documents but after going through the aforesaid judgment it

has been found that the judgment was delivered on other grounds. Additionally, the Hon'ble Apex Court has made it very clear in the case of *Dharamvir Singh vs UOI & Ors*, (2013) 7 SCC 316 that 'if medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the medical board is required to state the reasons.' In the instant case, medical board is not available to establish reasons of invaliding out of service and disability percentage.

9. It is further submitted that since husband of the applicant was invalided out of service after completion of about 10 years of service, he may have been entitled to grant of disability pension in pursuance to Hon'ble Apex Court judgments in the case of *Dharamvir Singh vs UOI & Ors*, reported in (2013) 7 SCC 316 and *Sukhwinder Singh vs UOI & Ors* reported in (2014) 14 SCC 364 provided the medical documents were available and the opinion of the board on attributability/aggravation factor and percentage of disability could have been ascertained. Therefore, in the present circumstances when medical documents have been destroyed, the applicant's late husband's entitlement to disability pension cannot be ascertained.

10. In view of the foregoing discussion, we are not in a position to presume that the disease of the applicant was either attributable to or aggravated by military service because of following reasons:-

(i) The IMB proceedings are not available and therefore the opinion of the medical board as to why the disease could not be detected at the time of enrolment cannot be ascertained to decide attributability.

(ii) The delay of over 50 years after discharge of husband of the applicant in 1966 is the primary reason for destruction and non availability of IMB proceedings.

11. Thus, the O.A. is devoid of merit and deserves to be dismissed. It is accordingly **dismissed**.

12. No order as to costs.

13. Pending applications, if any, are disposed off.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

Dated : 10th March, 2021
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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
(Circuit Bench at Nainital)

O.A. No. 562 of 2020

Ex Nk Daya Kishan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>10.03.2021</u></p> <p><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></p> <p><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p style="text-align: left; margin-left: 20px;">SB</p> |

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

O.A. No. 563 of 2020

Ex Nb Sub Shyam Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p><small>SB</small></p> |

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

O.A. No. 564 of 2020

Ex Sep Kishan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p> |

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

O.A. No. 565 of 2020

Ex Sep Dinesh Chandra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p style="text-align: left;"><small>SB</small></p> |

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

O.A. No. 566 of 2020

Ex Sep Harish Chandra

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Tarun PS Takuli, learned counsel for the applicant and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p>Arguments concluded.</p> <p>Order is reserved.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p> |

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

R.A. No. 47 of 2019 with M.A. No. 696 of 2019 Inre O.A. No. 378 of 2011

Union of India & Others
 By Legal Practitioner for the Applicants

Applicants

Versus

Mohan Singh Bisht
 By Legal Practitioner for Respondent

Respondent

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Rajesh Sharma, learned counsel for the applicants and Shri Mangal Singh Chauhan, learned counsel for the respondent assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p>By means of this Review Application filed under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008, the applicants have prayed to review the judgment and order dated 01.11.2017 passed by this Tribunal in O.A. No. 378 of 2011 to clarify the period of 2 years for grant of disability pension.</p> <p>There is delay of 01 years, 08 months & 23 days in filing Review Application.</p> <p>Upon hearing submissions of both sides and considering the facts and circumstances of the case we find that cause shown in the application is sufficient.</p> <p>Accordingly, we condone the delay. M.A. is disposed of accordingly.</p> <p>We have gone through the grounds and reasons indicated in the Review Application and have also gone through the judgment and order sought to be reviewed. The prayer of the applicants is genuine and allowed and therefore, Para 14 of the order dated 01.11.2017 is amended to read as under :-</p> <p>(a) For – “The respondents are directed to grant disability pension to the applicant after rounding off @ 50% for two years.”</p> <p>(b) Read – “The respondents are directed to grant disability pension to the applicant after rounding off @ 50% for two years from the date of discharge i.e. from 07.09.1986 to 06.09.1988.”</p> <p>With the aforesaid correction in the order under review, Review Application is disposed off.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p> |

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

T.A. No. 54 of 2017

Harsh Vardhan

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Kishore Rai, Advocate holding brief of Shri Lalit Kumar, learned counsel for the petitioner and Shri Rajesh Sharma, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative are present.</p> <p>Learned counsel holding brief prays for adjournment. In the interest of justice, the case is adjourned.</p> <p>List this case on 02.06.2021 for orders.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p> |

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

O.A. No. 441 of 2018

Sandeep Singh Mahara & another
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Kishore Rai, learned counsel for the applicant and Shri Neeraj Upreti, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p>On the submission made by learned counsel for the applicant, it appears that applicant has filed this application for grant of family pension in the favour on the premise that they are sons of the second wife of the deceased soldier Dan Singh Mahara.</p> <p>Admittedly, applicant has not made first wife Smt. Kamala Devi of the deceased soldier as party in the present O.A. whereas, she is a proper and necessary party.</p> <p>Applicants are, therefore, directed to implead Smt Kamala Devi as party in the present O.A. by way of impleadment.</p> <p>Let steps for impleadment be taken within two weeks.</p> <p>List on 02.06.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> |

SB

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

O.A. No. 521 of 2018

Smt Parwati Devi

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Kishore Rai learned counsel for the applicant and Mrs. Pushpa Bhatt, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Original application is dismissed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p> |

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

O.A. No. 525 of 2018

Sardar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Present : Mrs. Pushpa Bhatt, learned counsel for the respondent No. 1 & 3 and Shri Neeraj Upreti, learned counsel for the respondent No. 2.</p> <p style="text-align: center;">None appears on behalf of the applicant nor is there any request to pass over or adjourn the case.</p> <p style="text-align: center;">Accordingly, Original Application is dismissed for want of prosecution.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>SB</p> |

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

O.A. No. 398 of 2019

Ex Rfn Naveen Singh Rana
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri N.K. Papnoi, Advocate holding brief of Shri Niranjana Bhatt, learned counsel for the applicant and Shri Neeraj Upreti, learned counsel for the respondents.</p> <p>Learned counsel holding brief prays for adjournment. In the interest of justice, the case is adjourned.</p> <p>List this case on 02.06.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p> |

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

O.A. No. 408 of 2019

Ex Hav (Hony Nb Sub) Jaspal Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri M.S. Bhandari, learned counsel for the applicant and Mrs. Pushpa Bhatt, learned counsel for the respondents are present.</p> <p>Learned counsel for the applicant prays for and is granted six weeks further time to file rejoinder affidavit.</p> <p>List on 02.06.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p> |

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

O.A. No. 418 of 2019

Smt Indu Manodi

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Kishore Rai, learned counsel for the applicant and Mrs. Pushpa Bhatt, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p> |

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

O.A. No. 142 of 2020

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|--|--------------------|
| <p>Smt Parwati Devi W/o Late Ex Sub Ratan Singh By Legal Practitioner for the Applicant</p> | <p>Applicant</p> |
| Versus | |
| <p>Union of India & Others By Legal Practitioner for Respondents</p> | <p>Respondents</p> |

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>10.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri K.N.S. Rautela and Ms. Vandana Singh, learned counsel for the applicant and Shri Neeraj Upreti, learned counsel for the respondents assisted by Capt Nitesh Chauhan, Departmental Representative.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment reserved.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <p style="font-size: small; margin-top: 5px;">SB</p> |