

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

Diary No. 872 of 2021 Inre : O.A. No. 417 of 2019

Ex. Sep. Daan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.08.2021</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 Hemant Singh Mahara, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">In view of averments made in affidavit filed in support of application, recall application is allowed.</p> <p style="text-align: center;">Let Original Application be restored to its number.</p> <p><u>O.A. No. 417 of 2019</u></p> <p style="text-align: center;">Applicant to file Rejoinder Affidavit within two weeks failing which opportunity shall stand closed.</p> <p style="text-align: center;">List on 15.11.2021.</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>AKD/SB/-</p>

Form No. 4
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M.A. No. 227 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Rect. Prithvi Pal Singh Adhikari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.08.2021</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 Anthwal, Advocate holding brief of Shri C.S. Rawat, Ld. Counsel for the applicant and Ms. Pushpa Bhatt, Ld. Counsel for the respondents.</p> <p style="text-align: center;">There is a delay of 24 years, 02 months and 20 days in filing Original Application.</p> <p style="text-align: center;">The matter pertains to grant of disability pension which is a continuing wrong in which cause of action accrues every month.</p> <p style="text-align: center;">Accordingly, delay, if any, in filing Original Application is condoned.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 435 of 2021</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">List on 16.11.2021.</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;">AKD/SB/-</p>

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ORDER SHEET
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(Circuit Bench at Nainital)

O.A. No. 428 of 2021 with M.A. No. 440 of 2021

Sushila 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>04.08.2021</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>Shri Neeraj Upreti, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Kishore Raj, Ld. Counsel for the applicant and Shri Neeraj Upreti, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 06 years, 04 months and 13 days for grant of special family pension.</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 for the reasons stated.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as it is not on day to day basis.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters accrue every month and cause shown for the delay is sufficient, we condone the delay.</p> <p><u>O.A. No. 428 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Notice need not be issued to the respondents as they have already put in their appearance through Shri Neeraj Upreti, Advocate.</p> <p>Respondents may file Counter Affidavit within four weeks. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter.</p> <p>List on 17.11.2021.</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>AKD/SB/-</p>

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O.A. No. 431 of 2021 with M.A. No. 443 of 2021

Ex. Rect. Ajay Singh Borah By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.08.2021</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: justify;">Shri Rajesh Sharma, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: justify;">Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The Original Application has been filed with delay of 17 years, 08 months and 16 days.</p> <p style="text-align: justify;">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 for the reasons stated.</p> <p style="text-align: justify;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as it is not on day to day basis.</p> <p style="text-align: justify;">Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters accrue every month and cause shown for the delay is sufficient, we condone the delay.</p> <p><u>O.A. No. 431 of 2021</u></p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Notice need not be issued to the respondents as they have already put in their appearance through Shri Rajesh Sharma, Advocate.</p> <p style="text-align: justify;">Respondents may file Counter Affidavit within four weeks. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter.</p> <p style="text-align: justify;">List on 17.11.2021.</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; font-size: small;">AKD/SB/-</p>

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O.A. No. 430 of 2021 with M.A. No. 442 of 2021

Leela Goswami

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.08.2021</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>Shri Rajesh Sharma, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 01 year, 04 months and 26 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 for the reasons stated.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as it is not on day to day basis.</p> <p>Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters accrue every month and cause shown for the delay is sufficient, we condone the delay.</p> <p><u>O.A. No. 430 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Notice need not be issued to the respondents as they have already put in their appearance through Shri Rajesh Sharma, Advocate.</p> <p>Respondents may file Counter Affidavit within four weeks. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter.</p> <p>List on 17.11.2021.</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>AKD/SB/-</p>

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O.A. No. 432 of 2021 with M.A. No. 444 of 2021

Ex. Hav. Rajan Kumar By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.08.2021</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: justify;">Shri Rajesh Sharma, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: justify;">Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Rajesh Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The Original Application has been filed with delay of 01 year, 06 months and 21 days.</p> <p style="text-align: justify;">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 for the reasons stated.</p> <p style="text-align: justify;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as it is not on day to day basis.</p> <p style="text-align: justify;">Considering that in pensionary matters bar of limitation is not applicable, as cause of action in such matters accrue every month and cause shown for the delay is sufficient, we condone the delay.</p> <p><u>O.A. No. 432 of 2021</u></p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Notice need not be issued to the respondents as they have already put in their appearance through Shri Rajesh Sharma, Advocate.</p> <p style="text-align: justify;">Respondents may file Counter Affidavit within four weeks. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter.</p> <p style="text-align: justify;">List on 17.11.2021.</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; font-size: small;">AKD/SB/-</p>

