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

M.A. No. 620 of 2021 with M.A. No. 621 of 2021 Inre: O.A. No. 398 of 2019

Ex. Rfn. Naveen Singh Rana

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	15.11.2021
	Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	Memo of Appearance filed by ShriNeerajUpreti, Advocate on
	behalf of the respondents is taken on record.
	On the case being taken up for heairngShriNiranjan Bhatt, Ld.
	Counsel for the applicant and ShriNeerajUpreti, Ld. Counsel for the
	respondentsare present.
	As per office note, there is no delay in filing recall application,
	however, an application for condonation of delay has been moved which
	being not required is dismissed .
	This is an application to recall the order dated 03.08.2021 by
	which the Original Application has been dismissed on merit.
	During the course of hearing, Ld. Counsel for the applicant
	submitted that applicant may be permitted to withdraw the Recall
	Application with liberty to file Review Application.
	The Ld. Counsel for the respondents has no objection.
	In view of the aforesaid, the Recall Application is dismissed
	being withdrawn with liberty to file Review Application.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

O.A. No. 454 of 2021 with M.A. No. 474 of 2021

Ex. HMT Bhagwan Singh Rawat

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	Memo of Appearance filed by ShriNeerajUpreti, Advocate on
	behalf of the respondents is taken on record.
	HeardShriSandeepAdhikari, Ld. Counsel for the applicant and
	ShriNeerajUpreti, Ld. Counsel for the respondents.
	The applicant has filed this Original Application with delay of 25
	years, 05 months and 13 days.
	The Ld. Counsel for the respondents seeks and is allowed two
	weekstime to file objection on delay condonation application.
	List on 21.02.2022.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

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

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

Ex. Sep. GhuraNand

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	HeardShriDinesh Gahatori, Ld. Counsel for the applicant and
	ShriRajesh Sharma, Ld. Counsel for the respondents.
	It is submitted by the Ld. Counsel for the respondents that four
	weeks further time be granted to file affidavit of compliance which is
	allowed.
	List on 21.02.2022 .
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

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

R.A. No. 35 of 2021 Inre: O.A. No. 517 of 2018

Union of India & Others

Applicants

By Legal Practitioner for the Applicants

Versus

Ex. Hav. (Hony. Nb. Sub) Gopal Ram By Legal Practitioner for Respondent Respondent

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J)

Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)

HeardShriRajesh SharmaLd. Counsel for the applicants – Union of India &Others and Shri C.S. Rawat, Ld. Counsel for the respondent.

This is a Review Application filed by the applicants – Union of India and Others to review the order dated 04.01.2021 passed by this Tribunal in Original Application No. 517 of 2018 by which the Original Application was disposed off with direction to the respondents to revise the pension of applicant in terms of Government of India letter dated 21.02.2020.

The submission of Ld. Counsel for the applicants – Union of India is that applicant is post retiree of 2006 and he is already in receipt of benefit of Honorary NaibSubedar in terms of letter dated 12.06.2009, hence, order dated 04.01.2021 is liable to be recalled.

Since the applicant is already in receipt of revised pension of Honorary NaibSubedar in terms of Government of India, Ministry of Defence letter dated 12.06.2009, the Review Application is **allowed** and the order dated 04.01.2021 is recalled and respondents are respondents are directed to pay pension of Honorary NaibSubedar to the applicant with effect from 01.01.2006 in terms of Government of India, Ministry of Defence letter No. 1(8)/2008-D(Pen/Policy) dated 12.06.2009, if he is not in receipt of same.

The Original Application stands disposed off accordingly.

(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava)
Member (A)
Member (J)

AKD/SB/-

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

Ex. A. No. 117 of 2017 with Diary No. 2481 of 2021 Inre: O.A. No. 244 of 2014

Balwant Singh Parihar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of Orders of the Tribunal the Registry

15.11.2021

Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)

HeardShriC.S. Rawat, Ld. Counsel for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondent Nos. 1 to 4 and Ms. Vandana Singh, Ld. Counsel for the State Bank of India.

The Ld. Counsel for the respondents submits that in compliance of order dated 13.02.2017 in Original Application No. 244 of 2014 the P.P.O. has been issued with its copy to the applicant. Thus, she submits that so far as the compliance is concerned, the same has been done by the respondents.

In reply, the Ld. Counsel for the applicant submits that respondents were under obligation to comply with the order within three months from the date of order which they did not do, therefore, they are liable to pay interest also on the amount payable to the applicant which is not mentioned in the P.P.O. He further submits that P.P.O. was directed to State Bank of India, ChandniChowk Branch, New Delhi which was later forwarded to Punjab National Bank, Haldwani Branch. His further submission is that despite the P.P.O. being forwarded to the Haldwani Branch of Punjab National Bank the Bank is not crediting the amount in applicant's account.

We have gone through the Execution Application and we find that applicant's grievance is regarding non-payment of interest on the amount of back wages as well as non-compliance of the P.P.O. by Haldwani Branch of Punjab National Bank. So far as the payment of interest on amount of back wages is concerned, there is no mention in the order under execution and therefore, the same is not payable to the applicant.

As regards no crediting amount in applicant's account the Haldwani Branch of Punjab National Bank is not a party in the Execution Application. Applicant is, therefore, directed to implead Haldwani Branch of Punjab National Bank a party in the Execution Application within three weeks from today failing which Execution Application shall stand dismissed in full and final satisfaction.

List on 21.02.2022.

(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

AKD/SB/-

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

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	On the case being taken up for hearing ShriC.S. Rawat, Ld. Counsel for the applicant, ShriRajesh Sharma, Ld. Counsel for the respondent Nos. 1 to 4 and Ms.Vandana Singh, Ld. Counsel for the respondent Nos. 5 and 6 are present. Ms.Vandana Singh, Ld. Counsel appearing on behalf of the respondent Nos. 5 and 6 submits that she will file Vakalatnama on behalf of respondent Nos. 5 and 6 within a week. She also seeks and is allowed four weeks time to file affidavit of compliance. List on 21.02.2022.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/SB/-

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

Ramesh Chandra

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	HeardShriC.S. Rawat, Ld. Counsel for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondents.
	On the last date the applicant was directed to confirm regarding
	payment in terms of letter dated 21.02.2021 to be received in his account.
	The submission of Ld. Counsel for the applicant in this regard is that
	applicant has not received any such payment.
	Applicant is directed to file an affidavit stating therein the aforesaid
	facts and also annexing the copy of updated passbook within three weeks from
	today.
	List on 21.02.2022 .
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 90 of 2019 Inre : O.A. No. 185 of 2017

Ex. Nk. Naval Kishor Bhatt

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	On the case being taken up for hearing ShriKishore Rai, Ld. Counsel
	for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondentsare present.
	It is submitted by the Ld. Counsel for the applicant that objection on
	behalf of applicant could not be filed due to the illness of the applicant, therefore, some more time be granted for the same.
	Let objection along with copy of updated passbook be filed within four
	weeks. List on 21.02.2021 .
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

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

Smt. SitaThapa Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	On the case being taken up for hearing ShriKishore Rai, Ld. Counsel for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondentsare present. As prayed by the Ld. Counsel for the respondents, four weeks further time is granted to file affidavit of compliance.
	List on 21.02.2022.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 417 of 2019

Ex. Sep. Daan Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021
	Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	HeardShriHemant Singh Mahara and ShriRajendraArya, Ld. Counsel
	for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondents.
	Original Application is allowed .
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	Rathore/-

O.A. No. 513 of 2020

Col. Ramender Veer Vikram Shah Jagati (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
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	15.11.2021
	Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	Tion bievice Admiral Abhayitaghdhathtarve, Member (A)
	HeardShriKishore Rai, Ld. Counsel for the applicant and ShriRajesh
	Sharma, Ld. Counsel for the respondents.
	Original Application is allowed.
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 514 of 2020

Ex. Nk. Dalip Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	<u>15.11.2021</u>
	Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	HeardShriKishore Rai, Ld. Counsel for the applicant and ShriRajesh
	Sharma, Ld. Counsel for the respondents.
	Original Application is partlyallowed.
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	SB/-

O.A. No. 567 of 2020

Ex. LAC Rajendra Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	None appeared on behalf of the applicant.
	Heard ShriRajesh Sharma, Ld. Counsel for the respondents.
	Original Application is dismissed on merit.
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	Rathore/UKT/-

O.A. No. 157 of 2021

Smt. Durga Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	On the case being taken up for hearing ShriKishore Rai, Ld. Counsel for the applicant and ShriNeerajUpreti, Ld. Counsel for the respondentsare
	As prayed by ShriNeerajUpreti, Ld. Counsel appearing on behalf of the respondents, four weeks further time is granted to file Counter Affidavit. List on 21.02.2022.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 165 of 2021

Ex. Sep. Trilochan Bhatt

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	On the case being taken up for hearing ShriPremPrakash Bhatt, Ld. Counsel for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondentsare present. It is submitted by the Ld. Counsel for the respondents that Counter Affidavit will be filed during the course of the day. List on 16.11.2021.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/SB/-

O.A. No. 175 of 2021

Ex. Nk. Ram Chandra Bhatt

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	Counter Affidavit filed by the respondents is taken on record. HeardShriC.S. Rawat, Ld. Counsel for the applicant and ShriNeerajUpreti, Ld. Counsel for the respondents. Original Application is dismissed. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 176 of 2021

Ex. Sub. Bharat Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
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	<u>15.11.2021</u>
	Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	Hon bievice Admiral Abhaykaghunathkarve, Member (A)
	HeardShriC.S. Rawat, Ld. Counsel for the applicant and ShriRajesh
	Sharma, Ld. Counsel for the respondents.
	Original Application is allowed.
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD /-

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

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	HeardShriKisdhoreRai, Advocate holding brief of ShriRajendraArya,
	Ld. Counsel for the applicant and ShriRajesh Sharma, Ld. Counsel for the
	respondents.
	During the course of hearing, on a query put to Ld. Counsel for the
	respondents as to what happened into Appeal preferred by the applicant
	against the order of dismissal, the Ld. Counsel for the respondents submitted
	to grant time to seek instructions in this regard which is allowed.
	Let instructions be sought and matter be listed on 21.02.2022.
l	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/SB/-

O.A. No. 178 of 2021

Ex. Hav. Sher Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021
	Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	HeardShriKishore Rai, Ld. Counsel for the applicant and ShriRajesh
	Sharma, Ld. Counsel for the respondents.
	Original Application is allowed.
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	SB/-

O.A. No. 256 of 2021

Jai Bahadur Chand

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	On the case being taken up for hearing ShriKishore Rai, Ld. Counsel for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondentsare present. On the request of Ld. Counsel for the respondents, four weeks further time is granted to file Counter Affidavit. List on 21.02.2022.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/SB/-

O.A. No. 429 of 2021

Ex. Nb. Sub. Amrendra Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	On the case being taken up for hearing ShriKishore Rai, Ld. Counsel for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondentsare present.
	On the request of Ld. Counsel for the respondents, four weeks further time is granted to file Counter Affidavit. List on 21.02.2022.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/SB/-

O.A. No. 37 of 2011

Narayan Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.11.2021 Hon'bleMr. Justice Umesh Chandra Srivastava, Member (J) Hon'bleVice Admiral AbhayRaghunathKarve, Member (A)
	On the case being taken up for hearingShri Kishore Rai, Advocate holding brief of ShriLalit Kumar, Ld. Counsel for the applicant and ShriRajesh Sharma, Ld. Counsel for the respondents are present. List on 21.02.2022.
	(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)