

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

O.A. No. 281 of 2018

Maj Tarun Singh Kushwaha

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Rajiv Manglik, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>Heard learned counsel for the parties on the point of admission.</p> <p>It has been submitted by learned counsel for the applicant that a court of inquiry was conducted and thereafter punishment was awarded to the applicant. Learned counsel for the applicant has drawn our attention to para 327 of the Regulations for the Army, 1987 and on the basis of the same, it is submitted that court of inquiry cannot be reopened once decision is taken, but the respondents vide order dated 24.05.2018 has again directed the court of inquiry on the same subject.</p> <p>Learned counsel for the respondents submits that the first court of inquiry did not relate to the applicant.</p> <p>After having heard learned counsel for the parties, we are prima facie of the opinion that the subject matter of both the court of inquiries is the same.</p> <p>The matter requires adjudication.</p>

Admit.

Learned counsel for the applicant at this stage pressed for interim relief to stay the court of inquiry. Having heard learned counsel for the parties, we direct that the court of inquiry may proceed but the final result of the same and any decision taken thereon shall be subject to the final outcome of this O.A.

Learned counsel for the respondents may file counter affidavit within six weeks. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.

List the case on **01.08.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

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

Ex-A No.102 of 2018 (Ex-A No. 19 of 2012
with MA No. 56 of 2017 In Re: T.A. No. 67 of 2010

Jagdish Singh Mahara

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri GD Joshi, Ld. Counsel for the applicant and Dr Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">This is second application for execution. We have already disposed of the first execution application and the same has been dismissed for full satisfaction of the order under execution.</p> <p style="text-align: center;">This second application for execution is not maintainable, hence dismissed.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex-A No. 103 of 2018 In Re: O.A. No. 333 of 2013

Jeewan Chandra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri GD Joshi, Ld. Counsel for the applicant and Dr Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>Learned counsel for the respondents to obtain instructions as to why the order under execution has not been compiled with and file status report.</p> <p>List this case on 31.07.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A. No. 1250 of 2018

Ramesh Chandra Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Anurag Mishra, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri Anurag Mishra, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>The grounds shown in the affidavit filed in support of the application seem to be genuine and also in view of the pronouncement of the Hon'ble Apex Court in the case of Shiv Dass Vs Union of India reported in 2007 (3) SLR 445 wherein in Para 9 of the judgment, Hon'ble The Apex Court has observed:-</p> <p><i>“9. In the case of the pension the cause of action actually continues from month to month. That however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits, it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.”</i></p> <p>Accordingly, the application for condonation is allowed and the delay in filing the O.A. is hereby condoned.</p> <p>Admit.</p> <p>Counter affidavit may be filed by learned counsel for the</p>

respondents within six weeks. Rejoinder affidavit, if any, may be filed by the learned counsel for the applicant within two weeks thereafter.

List the case on **01.08.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

JPT

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

M.A. No. 1251 of 2018

Mukund Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Namit Sharma, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Suresh Chandra Bhatt, Ld. Counsel for the applicant and Shri Namit Sharma, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>Learned counsel for the applicant has retired after rendering service of more than twenty seven years but his pension has been fixed for service rendered for 21 years.</p> <p>This O.A. has been filed with delay of 46 years.</p> <p>Learned counsel for the respondents prays for and is granted time to file objection on application for condonation of delay. Respondents are also directed to seek instructions regarding the exact length of service of the applicant.</p> <p>List this case of 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; font-size: small;">JPT</p>

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

M.A. No. 1384 of 2016
In Re: O.A. No. Nil of 2016

Smt. Laxmi Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>By means of this O.A. the applicant has prayed for payment of disability pension. There is delay of about 37 years in filing the O.A.</p> <p>The grounds shown in the affidavit filed in support of the application seem to be genuine and also in view of the pronouncement of the Hon'ble Apex Court in the case of Shiv Dass Vs Union of India reported in 2007 (3) SLR 445 wherein in Para 9 of the judgment, Hon'ble The Apex Court has observed:-</p> <p><i>“9. In the case of the pension the cause of action actually continues from month to month. That however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits, it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.”</i></p> <p>Accordingly, the application for condonation is allowed and the delay in filing the O.A. is hereby condoned.</p>

Admit.

Counter affidavit may be filed by learned counsel for the respondents within six weeks. Rejoinder affidavit, if any, may be filed by the learned counsel for the applicant within two weeks thereafter.

List the case on **31.07.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

JPT

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

M.A. No. 1172 of 2018 with M.A. No. 1173 of 2018
In Re: M.A. No. 2027 of 2016 with M.A. No. 554 of 2017

Kharak Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri A.D. Tripathi, Ld. Counsel for the applicant and Dr Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 1173 of 2018</u></p> <p>This is an application for condonation of delay in moving restoration application. Cause shown is sufficient. Delay is accordingly condoned. Application stands disposed of accordingly.</p> <p style="text-align: center;"><u>M.A. No. 1172 of 2018</u></p> <p>This is an application for restoration of the case. The grounds taken are germane. The case is restored to its original number subject to payment of cost of Rs. 500/- which shall be deposited by the learned counsel for the applicant in the Registry. The cost so deposited shall be utilised for purchase of books for the use of Advocates at Circuit Bench, Nainital.</p> <p>List the case on 31.07.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p>

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

O.A. No. 77 of 2017 with M.A. No. 623 of 2017

Smt. Tulsi Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri R.C.Shukla, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">It is admitted by learned counsel for the parties that pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List the case on 01.08.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce the original record for perusal by the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; margin-left: 20px;">JPT</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

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the petitioner and Dr. Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>In pursuance of order dated 29.05.2018, supplementary affidavit has been filed today which is taken on record. Copy of the same has also been provided to learned counsel for the petitioner. He prays for time to go through it and to file reply, if any required by the date fixed.</p> <p>List the case on 02.08.2018 for orders.</p> <p>Meanwhile supplementary rejoinder affidavit be filed.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 195 of 2010

Anil Kumar Arya Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">In pursuance of earlier order, supplementary affidavit has been filed which is taken on record.</p> <p style="text-align: center;">List this case for hearing on 02.08.2018.</p> <p style="text-align: center;">Learned counsel for the parties shall file synopsis and list of cases on which they shall rely. Learned counsel for the respondents shall also produce the relevant record for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; margin-left: 20px;">JPT</p>

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

O.A. No. 278 of 2018

Himanshu Bhatt

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">Counter affidavit filed by the respondents in Court today is taken on record. Learned counsel for the applicant prays for and granted time to file rejoinder affidavit.</p> <p style="text-align: center;">List the case on 02.08.2018 for hearing.</p> <p style="text-align: center;">Learned counsel for the parties shall file synopsis and list of cases on which they shall rely. Learned counsel for the respondents shall also produce the relevant record for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; margin-left: 10px;">JPT</p>

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

O.A. No. 19 of 2015

Smt. Manju Joshi and others Applicants
By Legal Practitioner for the Applicants

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri P.S.Bohara, Ld. Counsel for the applicants and Shri Asheesh Agnihotri, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">With the consent of learned counsel for the parties, list the case for hearing on 02.08.2018.</p> <p style="text-align: center;">Learned counsel for the parties shall file synopsis and list of cases on which they shall rely. Learned counsel for the respondents shall also produce the relevant record for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; font-size: small;">JPT</p>

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

M.A. No. 1241 of 2018

Ex Sepoy Ghura Nand Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Sri Anurag Mishra, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Dinesh Gahatori, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>Learned counsel for the respondents prays for and is granted time to file objection on application for condonation of delay.</p> <p>List the case on 02.08.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

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

M.A. No. 1242 of 2018

Madhvi Devi

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms Appoli Srivastava, learned counsel for the respondents is taken on record. Her name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri DS Mehta, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>The matter relates to payment of family pension which involves recurring cause of action. The delay is only of two months. Accordingly, delay in filing the O.A. is condoned.</p> <p>Admit.</p> <p>Counter affidavit be filed by the learned counsel for the respondents within six weeks. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List the case on 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

M.A. No. 1243 of 2018

Jeewantee Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Kishore Rai, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>The matter relates to payment of disability pension which involves recurring cause of action. Accordingly, delay in filing the O.A. is condoned.</p> <p>Admit.</p> <p>Counter affidavit be filed by the learned counsel for the respondents within six weeks. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List the case on 01.08.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

M.A. No. 1244 of 2018

Bishan Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Namit Sharma, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Kishore Rai, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>The matter relates to payment of pension which involves recurring cause of action. Accordingly, delay in filing the O.A. is condoned.</p> <p>Admit.</p> <p>Counter affidavit may be filed by the learned counsel for the respondents within six weeks. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List the case on 31.07.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p>

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

M.A. No. 1245 of 2018

Balbir Bahadur Rana

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Kishore Rai, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>The matter relates to payment of disability pension which involves recurring cause of action. Accordingly, delay in filing the O.A. is condoned.</p> <p>Admit.</p> <p>Counter affidavit be filed by the learned counsel for the respondents within six weeks. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List the case on 31.07.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

T.A. No. 6 of 2018

Rakesh Kumar

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Asheesh Agnihotri, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: None for the petitioner. Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>The case was taken up in the revised list. None appeared for the petitioner.</p> <p>Learned counsel for the respondents submits that the father of the petitioner was in civil employment and the petitioner by means of this O.A. is seeking compassionate appointment. Learned counsel for the respondents prays for time to file objection on the point of maintainability of the T.A.</p> <p>List the case on 31.07.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

T.A. No. 36 of 2017

Harish Chandra Bhatt

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Manoj Kumar, learned counsel for the petitioner and Dr Gyan Singh, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>This T.A. has been received by transfer from Hon'ble High Court of Uttrakhand, Nainital.</p> <p>The petitioner is seeking compassionate appointment after death of his father who was a GREF employee. Learned counsel for the respondents submits that the GREF employees are not covered under Army Act and, therefore, the T.A. is not maintainable. He prays for and is granted time to file objection on the point of maintainability of the T.A.</p> <p>List the case on 01.08.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

T.A. No. 4 of 2018

Sita Thapa

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri A.K. Sahu, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>This T.A. has been received by way of transfer from Hon'ble High Court of Uttrakhand, Nainital.</p> <p>Notice was issued to the petitioner and power has been filed by Shri Kishore Rai.</p> <p>By means of this petition, the petitioner, who is a widowed daughter of the soldier, is claiming family pension. Learned counsel for the petitioner submitted that the parents of the petitioner have expired and her husband has been declared dead having been missing for more than seven years.</p> <p>The matter requires adjudication.</p> <p>Admit.</p> <p>Counter affidavit may be filed by the respondents within six weeks. Rejoinder affidavit, if any, may be filed by the petitioner within two weeks.</p> <p>List the T.A. on 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p>

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

M.A. No. 1249 of 2018

Shyam Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Mohit Mulekhi, Ld. Counsel for the applicant and Dr.Shailendra Sharma Atal, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>By means of this O.A. the applicant is claiming service pension which he was already getting. It is submitted that service pension has been withheld illegally by the respondents.</p> <p>The matter pertains to payment of service pension which involves recurring cause of action. Accordingly, delay in filing the O.A. is condoned.</p> <p>Admit.</p> <p>List this case for hearing on 02.08.2018.</p> <p>Parties may exchange affidavits in the meantime.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

T.A. No. 21 of 2017

Vinod Chand

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, learned counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri DS Mehta, Ld. Counsel for the petitioner and Dr Gyan Singh, learned counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>Learned counsel for the respondents has filed preliminary objection on the ground of maintainability of the O.A. which is taken on record.</p> <p>Learned counsel for the petitioner prays for time to file his reply to said objection.</p> <p>List the case on 02.08.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 185 of 2014

Lal Bahadur Gurung
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri R.C Shukla, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">During course of hearing, it transpired that as per Annexure No.5 to the O.A., the Records Office has admitted the revision of pension of the applicant while in the counter affidavit, revision of pension is admitted with effect from 01.01.2006, but it is averred that no further revision is permissible in cases of Reservists. Learned counsel for the respondents has mentioned a Circular on this point, however, copy of this same has not been filed. The respondents are directed to clarify this position by filing a supplementary affidavit by the next date of listing.</p> <p style="text-align: center;">List the case on 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; margin-left: 20px;">JPT</p>

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

O.A. No. 277 of 2018

Shankar Datt Suyal

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri CS Rawat, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 285 of 2018

Smt Jeewanti Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri R.C.Shukla, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 284 of 2018

Prem Shankar Singh Negi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri RC Shukla, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 68 of 2017

Bhim Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri RC Shukla, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 430 of 2017

Hira Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>In this case, admittedly there was a delay in submitting the ACR. Learned counsel for the respondents is directed to explain the reason for the said delay along with the dates of correspondence relating to the same.</p> <p>List the case on 02.08.2018 for hearing.</p> <p>Learned counsel for the respondents shall produce the original record pertaining to the case on the next date of listing perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

O.A. No. 132 of 2018

Diwan Singh Bora

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>During the course of hearing, both the learned counsel indulged in arguments with each other. In these circumstances, we are unable to proceed with the hearing of the case.</p> <p>It is accordingly adjourned.</p> <p>List the case on 01.08.2018 for hearing.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 286 of 2018

Govind Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Dr Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted time to file rejoinder affidavit.</p> <p style="text-align: center;">List the case on 02.08.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce the record pertaining to the case for perusal by the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">JPT</p>

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

O.A. No. 288 of 2018

Padma Datt

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Judgment pronounced. O.A. is allowed. For orders, see our order of date passed on separate sheets.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

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

O.A. No. 287 of 2018

Gyan Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Judgment pronounced. O.A. is allowed. For orders, see our order of date passed on separate sheets.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

Form No. 4

{See rule 11(1)}

ORDER SHEET

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

O.A. No. 448 of 2017

Kundan Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Judgment pronounced. O.A. is allowed. For orders, see our order of date passed on separate sheets.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}

ORDER SHEET

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

O.A. No. 52 of 2017

Bhupal Singh Jantwal

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Judgment pronounced. O.A. is allowed. For orders, see our order of date passed on separate sheets.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

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

O.A. No. 55 Of 2017

Jai Prakash

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Judgment pronounced. O.A. is dismissed. For orders, see our order of date passed on separate sheets.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

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

MA No. 1150 of 2018
In Re: O.A. No. Nil of 2018

Raghu Nandan Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Appoli Shrivastava, learned counsel for the respondents is taken on record. Her name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri CS Rawat, holding brief of Shri D.K. Bankoti, Ld. Counsel for the applicant and Ms Appoli Shrivastava, learned counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>The matter pertains to grant of service pension, which involves recurring cause of action. Hence delay is condoned.</p> <p>Admit.</p> <p>Counter affidavit be filed by learned counsel for the respondents within four weeks. Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List the case on 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 1151 of 2018
In Re: O.A. No. Nil of 2018

Keshar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed today in court by Shri Asheesh Agnihotri, as counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>The matter pertains to grant of service pension, which involves recurring cause of action. Hence delay is condoned.</p> <p>Admit.</p> <p>Counter affidavit be filed by learned counsel for the respondents within four weeks. Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List the case on 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 243 of 2018

Lt Col Triveni Chandra Pandey (Retd) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed today in court by Shri Namit Sharma, as counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Namit Sharma, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>The matter pertains to payment of disability pension which involves recurring cause of action. Accordingly, the delay in filing the OA is condoned.</p> <p>Admit.</p> <p>Counter affidavit be filed by learned counsel for the respondents within four weeks. Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List the case on 31.07.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A. No. 1226 of 2018
With M.A. No. 1227 of 2018 In Re: O.A. No. 431 of 2017

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

Versus

Lt Col Narayan Singh Thapa (Retd) Respondent - Applicant
By Legal Practitioner for Respondent - Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Dr. Gyan Singh, Ld. Counsel for the applicants-respondents assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 1226 of 2018</u></p> <p>This is an application for condonation of delay under Section 5 of the Limitation Act in filing application for leave to appeal. The Application has been preferred after lapse of statutory period. It is well settled law that the Tribunal lacks jurisdiction to condone the delay in the matter.</p> <p>Accordingly, the application for condonation of delay in filing application for leave to appeal is not maintainable and is rejected.</p> <p style="text-align: center;"><u>M.A. No. 1227 of 2018</u></p> <p>This is an application for grant of leave to appeal filed under Section 31 of Armed Forces Tribunal Act.</p> <p>Since the application for condonation of delay has already been rejected, in consequence thereof, the application for leave to appeal is also rejected.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">JPT</p>

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

O.A. No. 195 of 2010

Anil Kumar Arya Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the respondents was directed on 23.03.2018 to bring on record by means of affidavit the order of punishment awarded to the applicant. He was also directed to produce the original record.</p> <p>Learned counsel for the respondents submits that he has received the original record only yesterday. He prays for time to bring on record the order of punishment by tomorrow.</p> <p>List the case on 01.06.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

T.A. No. 59 of 2011 alongwith O.A. (A) No. 81 of 2012

Hayat Singh Bankoti

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the petitioner and Shri R.C Shukla, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>As prayed by learned counsel for both the parties, hearing of the case is postponed.</p> <p>List on 31.07.2018 for hearing.</p> <p>On the next date of listing, learned counsel for the respondents shall produce the original record pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A.No. 1248 of 2018

Prem Singh Saun Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed today in court by Shri Namit Sharma, as counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Namit Sharma, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the respondents prays for and is granted time to file objection on application for condonation of delay.</p> <p>List the case on 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 276 of 2018

Ex Rect/GD Tejinder Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed today in court by Shri Anurag Mishra, as counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Heard learned counsel for the parties on admission. The matter needs to be adjudicated.</p> <p>Admit.</p> <p>By means of this O.A. the applicant has made a prayer for his reinstatement in service and for continuance of military training. Learned counsel for the applicant has also pressed the prayer for grant of interim relief, which is reproduced as under:</p> <p>(i) To grant provisional permission to the applicant to complete the remaining part of his recruit training which may be made subject to the final outcome of this O.A.</p>

(ii) To direct respondent No. 3 to release the applicant's salary for 13 months (October 2016 to November 2017), illegally withheld by the said authority; within a peremptory time period to be fixed by the Hon'ble Court in its own wisdom.

Admittedly, at present the applicant is not in service and is not undergoing any training, therefore, so far as the first interim relief is concerned, if it is granted it shall amount to final relief claimed by the applicant, which is not permissible at this stage, accordingly, it is hereby rejected.

So far as the second interim relief is concerned, learned counsel for the respondents prays for and is granted time to seek instructions as to why the salary for several months has not been paid to the applicant.

Learned counsel for the respondents shall file counter affidavit within four weeks. Rejoinder affidavit may be filed by the learned counsel for the applicant within two weeks' thereafter.

Learned counsel for the respondents also prays for and is allowed to raise ground of multiplicity of relief in the counter affidavit.

List the case on **02.08.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

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

Ex-A No. 19 of 2012 with M.A. No. 56 of 2017
In re: T.A. No. 67 of 2010

Jagdish Singh Mahara Petitioner
By Legal Practitioner for the Petitioner

Versus

D.G Inf and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri G.D.Joshi, Ld. Counsel for the petitioner and Dr. Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the respondents submits that cost imposed by order dated 09.10.2017 has been deposited. He has filed the receipt for the same which is taken on record.</p> <p>By order dated 28.05.2018 the learned counsel for the applicant was permitted to file written objection against the PPO so that the matter may be disposed of.</p> <p>Learned counsel for the applicant prays for time till tomorrow to comply with order dated 28.05.2018.</p> <p>List the case on 31.05.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

M.A. No. 512 of 2018 with M.A. No. 1051 of 2018
In re: O.A. No. Nil of 2018

Kharak Singh Bhandari Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Reply on application for condonation of delay filed by the applicant is taken on record.</p> <p>The matter pertains to payment of disability pension which involves recurring cause of action.</p> <p>Accordingly, delay in preferring the O.A. is condoned.</p> <p>Admit.</p> <p>Counter affidavit filed by the learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant states that he does not intend to file rejoinder affidavit.</p> <p>We have heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A. No. 513 of 2018 with M.A. No. 1052 of 2018
In re: O.A. No. Nil of 2018

Suresh Kumar Dogra Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>The matter pertains to payment of disability pension which involves recurring cause of action.</p> <p>Accordingly, delay in preferring the O.A. is condoned.</p> <p>Admit.</p> <p>Counter affidavit filed by the learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant states that he does not intend to file rejoinder affidavit.</p> <p>We have heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A. No. 522 of 2018 with M.A. No. 836 of 2018
In re: O.A. No. Nil of 2018

Puran Singh Gurung Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>During course of arguments it has been admitted by learned counsel for the respondents that it is a covered case and he admits the correctness of the PPO wherein rank held by the applicant is mentioned as Honorary Naib Subedar.</p> <p>Arguments concluded.</p> <p>Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A. No. 523 of 2018
In re: O.A. No. Nil of 2018

Hav Prakash Chandra Suyal (Retd) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Counter affidavit filed by learned counsel for the respondent is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted time to file rejoinder affidavit.</p> <p style="text-align: center;">List the case on 03.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 53 of 2017

Ishwar Singh Chiral

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri N.K. Papnoi, Advocate holding brief for Shri D.S. Mehta, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Rejoinder affidavit filed by the applicant is taken on record.</p> <p>It has been disputed whether the applicant was released on medical ground or was released on his own request. To verify this fact, perusal of the original record is necessary.</p> <p>The learned counsel for the respondents is directed to produce the original record for perusal of the Bench on the next date of listing, if available.</p> <p>List the case on 31.07.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 273 of 2017

Smt Leela Devi Karki

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Advocate holding brief for Shri KK Verma, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Adjournment has been prayed on behalf of learned counsel for the applicant on the ground that mother of learned counsel for the applicant Shri KK.Verma has expired day before yesterday.</p> <p>Case is accordingly adjourned.</p> <p>List again on 02.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">JPT</p>

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

O.A. No. 131 of 2018

Smt Pushpa Bhatt

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Counter affidavit filed by the learned counsel for the respondents is taken on record. Learned counsel for the applicant prays for and is granted time to file rejoinder affidavit.</p> <p style="text-align: center;">List the case on 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex/A/98/2018 In re: O.A. No. 185 of 2018

Naval Kishore Bhatt

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri A.K. Sahu, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri Pankaj Negi, Ld. Counsel for the applicant and Shri A.K. Sahu, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the respondents prays for time to seek instructions as to why the order dated 02.08.2017 under execution has not been complied with.</p> <p>List the case on 01.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex/A/99/2018 In re: O.A. No. 184 of 2018

Ex Rifleman Pradeep Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the respondents prays for time to seek instructions as to why the order under execution has not been complied with.</p> <p style="text-align: center;">List the case on 02.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 426 of 2017

Surendra Singh Negi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Dr Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel on both the sides have cited case laws in support of their respective arguments.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 519/2018 with MA No. 852/2018 In re: O.A. No. Nil of 2018

Bhagwat Singh Bisht

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri RC Shukla, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">In this case the only point involved is with regard to last salary drawn by the applicant. Learned counsel for the respondents submits that the applicant has already been granted the benefit of broad banding and disability pension has been rounded off from 20% to 50%. In the counter affidavit, the last salary drawn by the applicant has been mentioned as per discharge book of the applicant.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">JPT</p>

(Circuit Bench at Nainital)

**MA No. 1172 of 2018 with MA No. 1173 of 2018
In Re: MA No. 2027 of 2016 with MA No. 554 of 2017**

Kharak Singh - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Mangal Singh Chauhan, holding brief of Shri A.D.Tripathi, Ld. Counsel for the applicant and Dr Gyan Singh, Ld counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>This case was taken up in the revised list.</p> <p>The applicant has prayed for recall of the order dated 22.02.2018, by which the case was dismissed in default.</p> <p>Learned counsel for the respondents states that copy of the application for recall of the aforesaid order has not been provided to him.</p> <p>Shri Mangal Singh Chauhan, holding brief of Shri A.D.Tripathi, learned counsel for the applicant prays for adjournment of the case for the day.</p> <p>List this case for orders on 01.06.2018. Shri Mangal Singh Chauhan undertakes to inform Shri A.D.Tripathi of the date fixed, who shall also provide a copy of the application for restoration to the learned counsel for the respondents before the date fixed.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; font-size: small;">JPT</p>

Court No.1 (Circuit Bench at Nainital)

Ex-A/32 of 2018 In re: O.A. No. 80 of 2017

Darpan Singh Karki - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & others - Respondents
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Shri Anurag Mishra, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri KKS Bisht, Ld. Counsel for the applicant and Shri Anurag Mishra, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>This is an application for execution of the order dated 01.08.2017. Learned counsel for the respondents submits that in compliance of the order under execution, requisite sanction has been accorded and necessary PPO shall be issued shortly.</p> <p>List this case for orders on 31.07.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex-A/39 of 2018 In re: O.A. No. 146 of 2015

Devendra Singh Bhandari Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Learned counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>This is an application for execution of the order dated 03.10.2017. Learned counsel for the respondents submits that an appeal has been preferred before the Hon'ble Apex Court against the order under execution. Learned counsel for the applicant also admits this fact and states that the said appeal is listed for orders before the Hon'ble Apex Court on 02.07.2018.</p> <p>List this case for orders on 01.08.2018, awaiting the orders of the Hon'ble Apex Court.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex-A/ 40 of 2018 In re: O.A. No. 58 of 2017

Raghubar Dutt Ray

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & others

Respondents

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>This is an application for execution of the order dated 16.05.2017. Learned counsel for the respondents submits that in compliance of the order under execution, requisite sanction has been accorded and necessary PPO shall be issued shortly.</p> <p>List this case for orders on 01.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A No. 166 of 2018 In Re: OA No. nil of 2018

Himanshu 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
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Dr Shesh Narain Pandey, Ld Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Replication filed by learned counsel for the applicant against the objection of the respondents on delay condonation application is taken on record.</p> <p>Heard learned counsel for the parties on condonation of delay in filing the OA.</p> <p>The matter relates to discharge of the applicant from service. Grounds sufficient.</p> <p>Accordingly, MA No. 166 of 2018 is allowed and the delay in filing the OA is condoned.</p> <p>Admit.</p> <p>List this case for hearing on 01.06.2018. The respondents may file counter affidavit by the date fixed.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A No.506 of 2018
In re: O.A. No. (Nil) of 2018

Sudheer Negi

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri AK Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Objection on the application for condonation of delay filed by the respondents today is taken on record. Copy of the same has been provided to the learned counsel for the applicant, who prays for time to file reply.</p> <p>List this case for orders on 31.07.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 524 of 2018 with MA No. 838 of 2018
In re: OA No. Nil of 2018

Smt. Bhawani Devi - Applicant
By Legal Practitioner for the Applicant
Versus

Union of India & Others - Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld Counsel for the applicant and Dr Shailendra Sharma Atal, Ld Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Objection on the application for condonation of delay filed by the respondents today is taken on record. Copy of the same has been provided to the learned counsel for the applicant, who prays for time to file reply.</p> <p style="text-align: center;">List this case for orders on 01.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">JPT</p>

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

MA No. 525 of 2018 in Re: OA No. Nil of 2018

Govind 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
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>By means of this OA, the applicant has prayed for grant of disability pension. He was discharged from service in the year 1987. There is a delay of 29 years, 09 months and 09 days in filing this OA. Since the relief of the applicant is regarding grant of disability pension, it is a recurring cause of action. Accordingly, the delay in filing the OA is hereby condoned. MA No.525 of 2018 is disposed of.</p> <p style="text-align: center;">Admit.</p> <p>Learned counsel for the respondents states that counter affidavit is ready and he shall file the same within two days.</p> <p style="text-align: center;">List this case for hearing on 31.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Circuit Bench at Nainital)

MA No. 526 of 2018 With MA No. 840 of 2018
in Re: OA (NIL) of 2018

Sunil Kumar

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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Dr Shailendra Sharma Atal, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri Mangal Singh Chauhan, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Objection filed by the respondents on delay condonation application is taken on record. Learned counsel for the applicant prays for time to file replication.</p> <p>List this case for orders on 31.07.2018.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 77 of 2017 with M.A.No. 623 of 2017

Smt. Tulsi Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri RC. Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted one day's time to file supplementary rejoinder affidavit.</p> <p style="text-align: center;">List this case for orders on 01.06.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 195 of 2017

Smt. Ganga Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, holding brief of Shri K.K.Verma, Ld. Counsel for the applicant and Shri R.C.Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel appearing for the applicant prays for adjournment to enable him to file rejoinder affidavit.</p> <p>List this case for orders on 31.07.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 280 of 2017

Mahendra Singh Padiyar 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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri A.K.Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Counter affidavit has already been filed by the respondents which is taken on record. Copy of the same has been provided to the applicant's counsel, who prays for time to file rejoinder affidavit.</p> <p>List this case for orders on 02.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 286 of 2017

Sita 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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, holding brief of Shri Suresh Chandra Bhatt, Ld. Counsel for the applicant and Shri R.C.Shukla , Ld. Counsel for the respondents, assisted by Capt Priyank Malviya, OIC Legal Cell.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment/order reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 426 of 2017

Surendra Singh Negi

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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, holding brief of Shri Suresh Chandra, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel appearing for the applicant prays for time to show case law in support of his arguments.</p> <p>List this case tomorrow i.e. 30.05.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Circuit Bench at Nainital)

OA No. 128 of 2018
In Re: OA No. Nil of 2018

Harbans 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
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri A.K.Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>In this case, the applicant has pressed for grant of an interim relief, which is as under:-</p> <p><i>“(i) To restrain Respondent No. 3 from passing any order for vacation of the government accommodation occupied by the applicant presently during the pendency of this OA;</i> <i>(ii) To order Respondent No. 5 to pay the provisional pension to the applicant which may be subsequently adjusted against the dues which may become payable to him.”</i></p> <p>The applicant has already been discharged from service with effect from 30.11.2017. He has challenged his discharge. Admittedly, the government accommodation can be retained for a period of three months after the date of discharge. The applicant has already retained the said accommodation for a period of about seven months. The applicant has challenged his discharge order on several grounds. We have considered the prayer of the applicant for grant of interim injunction. The prayer</p>

of interim relief of the applicant is in the nature of interim injunction. The law on the point is settled that an interim injunction can be granted only if there exists a prima facie case, irreparable loss or injury to the party aggrieved and balance of convenience. Simultaneous existence of all the three conditions is necessary for the purpose of granting interim injunction. Since we are of the considered opinion that the vacation of government accommodation will not amount to irreparable loss to the applicant because in case the OA is allowed and he is reinstated in service, then he can be allotted a new government accommodation as per rules, but at present, it is not proper for the applicant to retain the government accommodation because in that case any other person appointed in place of the applicant shall not be getting a residence. Accordingly, the prayer of the applicant for grant of interim injunction is hereby rejected.

Counter affidavit has already been filed, which is taken on record. Copy of the same has been provided to the applicant's counsel, who prays for time to file rejoinder affidavit.

List this case for orders on **02.08.2018**. The applicant may file rejoinder affidavit in the meantime.

Let copy of this order be provided to the learned counsel for the respondents for information to authorities concerned.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

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

OA No. 129 of 2018

Mohan 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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">By means of this OA, the applicant has prayed for grant of disability pension. The matter relates to Navy. Learned counsel for the respondents is directed to bring on record the medical documents pertaining to Release Medical Board of the applicant.</p> <p style="text-align: center;">List this case for orders on 02.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 130 of 2018

Hridayesh Maithani
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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Mangal Singh Chauhan, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Heard learned counsel for the parties on the point of admission.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">The respondents have filed counter affidavit today, which is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prays for time to file rejoinder affidavit.</p> <p style="text-align: center;">List this case for hearing on 01.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">JPT</p>

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

T.A. No. 86 of 2016

Nain Singh

By Legal Practitioner for the Applicant

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>The case was taken up in the revised list.</p> <p>Ms Appoli Srivastava, Advocate, files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, her name be shown as counsel for the respondents.</p> <p>On call of the case, none appears on behalf of the petitioner nor Bench Copy has been filed. The case was last listed on 16.04.2018, on which date too Shri Manoj Joshi, learned counsel for the petitioner had not appeared. On being informed by learned counsel for the respondents, that the matter pertains to Circuit Bench, Nainital, it was directed to be listed here for today. Today also, none appeared on behalf of the petitioner.</p> <p>However, in the interest of justice, the case is adjourned. Let it be listed for orders on 01.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">JPT</p>

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

T.A.No. 54 of 2017 with MA No. 1023 of 2018

Harsh Vardhan

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the petitioner and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Counter affidavit filed by the respondents is taken on record. Copy of the same has been provided to the applicant's counsel, who prays for time to file rejoinder affidavit.</p> <p>Learned counsel for the respondents submits that he shall file supplementary counter affidavit to bring on record all annexures which were not available with him at the time of filing of counter affidavit.</p> <p>List this case for orders on 01.06.2018. Supplementary counter affidavit may be filed by the respondents in the meantime.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 132 of 2018

Diwan Singh Bora

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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>In this case, the applicant has come up with a very petty prayer that he may be granted foreign allowance for the period during which he was posted in Sri Lanka and for which he has been given Videsh Seva Medal.</p> <p>Learned counsel for the respondents prays for time to seek instructions on the point as to why the grant of foreign allowance to the applicant has been withheld.</p> <p>List this case for hearing on 31.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA (A) No. 81 of 2012 alongwith TA No. 59 of 2011

Manoj 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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the respondents prays for adjournment on the ground that he is not prepared with the brief today.</p> <p>As prayed, list this case for hearing on 31.07.2018. No further adjournment shall be granted to the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A No. 519 of 2018 with M.A.No. 852 of 2018
In Re: OA No. (NIL) of 2018

Bhagwat Singh Bisht 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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri R.C.Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by learned counsel for the applicant, list this case for orders tomorrow i.e. 30.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A.No. 520 of 2018
In Re: OA No. Nil of 2018

Gyan 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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri C.S.Rawat, Ld. Counsel for the petitioner and Shri A.K.Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>The matter pertains to payment of pension of honorary rank of Naib Subedar, which involves a recurring cause of action. Accordingly, the delay in filing the OA is condoned. MA No. 520 of 2018 is disposed of.</p> <p>Admit.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A.No. 521 of 2018
In Re: OA No. Nil of 2018

Padma Datt

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>29.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri CS Rawat, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">The matter pertains to payment of pension of honorary rank of Naib Subedar, which involves a recurring cause of action. Accordingly, the delay in filing the OA is condoned. MA No. 521 of 2018 is disposed of.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases of Court No.1
(Circuit Bench at Nainital)

Ex-A/19/2012 with MA No.56/2017 In re: T.A. No. 67 of 2010

Jagdish Singh Mahara - Applicant
By Legal Practitioner for the Applicant

Versus

D G Inf & Others - Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri G.D. Joshi, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the respondents submits that requisite PPO has been issued in execution of orders of this Tribunal. However, learned counsel for the applicant has raised certain objection and prays for two days' time to bring on record his objections in writing.</p> <p>Accordingly, learned counsel for the applicant is permitted to file objection raised by him in writing so that the objections may be disposed of in accordance with law.</p> <p style="text-align: center;">List the case on 30.05.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex-A/251/2016 In re: O.A. No. 133 of 2016

Ghanshyam Tiwari - Applicant
By Legal Practitioner for the Applicant
Versus

Union of India & others - Respondents
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>This is an application for execution of order dated 04.11.2016 passed by this Tribunal.</p> <p>Learned counsel for the respondents submits that the order has been complied with to a large extent and only payment of arrears is to be made. It is further submitted by learned counsel for the respondents that sanction for payment of arrears has been accorded and back wages shall be paid within a short period.</p> <p>As prayed, list the case on 31.07.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex-A/100/2017 with M.A No. 82 of 2018
In re: O.A. No. 07 of 2013

Mukesh Kumar

By Legal Practitioner for the Applicant

Applicant

Versus

Gulab Chandra

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Learned counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the applicant-respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the respondents submits that the order under execution has been complied with and the applicant has been promoted to the rank of Havildar. Copy of the order has been provided to learned counsel for the applicant today in Court who prays for time to seek instructions from client.</p> <p>As prayed, list the case on 31.07.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex-A/117/2017 In re: 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 Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri C.S. Rawat, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>In this case, vide order dated 22.02.2018 the respondents were directed to make compliance of the order dated 13.02.2017 under execution failing which a cost of Rs. 10,000/- was to be paid by the respondents.</p> <p>Today again time is prayed for by the respondents to comply order dated 13.02.2017. It is submitted that an application for correction of the judgment and order was moved in the month of August, 2017 which was disposed of in the month of August, 2017 itself. Even from August, 2017, more than 08 months have elapsed, but the order has not been complied with. It is a very sorry state of affairs. Accordingly, we grant four weeks' time to the respondents to comply with order dated 13.02.2017 subject to payment of additional cost of Rs. 15,000/- which shall be deposited by the respondents along with the cost imposed by order dated 22.02.2018 and shall be paid to the applicant.</p> <p style="text-align: center;">List this case for orders on 01.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p>

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

M.A No. 1431 of 2014 with M.A. No. 1432 of 2014,
M.A.No.81/2018 In re: Dy No. 162 of 2013

Balam 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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri A.K.Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">This case was taken up in the revised list.</p> <p style="text-align: center;">None appears for the applicant nor is there any request on his behalf to adjourn the case.</p> <p style="text-align: center;">A perusal of the record shows that learned counsel for the applicant Shri H.S.Sharma is not attending this case for last several dates. It appears that he is not interested in pursuing this matter.</p> <p style="text-align: center;">Dismissed for want of prosecution.</p> <p style="text-align: center;"> (Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J) </p>
	JPT

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

M.A No. 1384 of 2016
In re: O.A. No. (Nil) of 2016

Smt Laxmi Devi Applicant
By Legal Practitioner for the Applicant
Versus

Union of India & Others Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the applicant prays for time to file reply to the objection filed on behalf of the respondents on the application for condonation of delay. The applicant himself is delaying the disposal of the case.</p> <p style="text-align: center;">As prayed, list this case for orders on 01.06.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p style="text-align: left;">JPT</p>

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

**MA No. 839 of 2017 With MA No. 1024 of 2018, MA No. 840 of
2017 in Re: M.A.No. 476 of 2016**

Liladhar Bhatt

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Vinay Prakash Srivastava, holding brief of Shri SS Yadav, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Adjournment has been prayed on the ground of non-availability of Shri SS Yadav, learned counsel for the applicant.</p> <p>As prayed, list this case for orders on 30.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 1248 of 2017 With MA No. 83 of 2018
in Re: OA (NIL) of 2017

Ex Capt (MNS) Hema Bist 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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Kumar, holding brief of Shri MC Pant, Ld. Counsel for the applicant and Shri A.K.Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel appearing for the applicant prays for time to file reply to the objection filed by the respondents on delay condonation application.</p> <p style="text-align: center;">As prayed, list this case for orders on 01.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p style="text-align: left; font-size: small;">JPT</p>

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

M.A. No. 1252 of 2017
In Re OA (NIL) 2017

Laxmi Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri RC. Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the applicant prays for adjournment to enable him to file reply to the objection filed by the respondents on delay condonation application. He himself is delaying the disposal of the case.</p> <p>As prayed, list this case for orders on 31.07.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 1276 of 2017 In Re: OA (NIL) of 2017

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
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Mangal Singh Chauhan, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>By means of this OA, the applicant is challenging his discharge order dated 07.06.1996. On the application for condonation of delay, objection has been filed on behalf of the respondents. Learned counsel for the applicant prays for time to file reply to the said objection.</p> <p>List this case for orders on 02.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 512 of 2018 with MA No. 1051 of 2018
In Re: OA No (NIL) 2018

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
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh , Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the applicant prays for two days' time to file reply on the objection filed by the respondents on the application for condonation of delay.</p> <p style="text-align: center;">As prayed, list this case for orders on 30.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 513 of 2018 with MA No. 1052 of 2018

In Re: OA (NIL) of 2018

Suresh Kumar Dogra

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh , Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the applicant prays for two days' time to file reply on the objection filed by the respondents on the application for condonation of delay.</p> <p>As prayed, list this case for orders on 30.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

MA No. 515 of 2018 with MA 839 of 2018
In Re: OA (NIL) of 2018

Smt Haruli Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance on behalf of the respondents has been filed by Shri Anurag Mishra, Advocate, which is taken on record. When the case is next listed, his name be shown in the cause-list as counsel for the respondents.</p> <p>Present: Shri SS Chaudhari, holding brief of Shri Alok Mahra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p><u>MA No. 839 of 2018</u></p> <p>Objection on the application for condonation of delay has been filed by the respondents, which is taken on record. Copy of objection has been provided to learned counsel for the applicant.</p> <p>Accordingly, MA No. 839 of 2018 is disposed of.</p> <p>Learned counsel for the applicant prays for time to file reply to the objection filed by the respondents on delay condonation application.</p> <p>List this case for orders on 03.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Circuit Bench at Nainital)

M.A No. 516 of 2018
In Re: OA. No. (NIL) of 2018

Shakar Datt Suyal 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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Objection on application for condonation of delay is taken on record. Accordingly, MA No. 516 of 2018 is disposed of.</p> <p>The matter relates to payment of pension, which involves a recurring cause of action. Accordingly, the delay in filing the OA is condoned.</p> <p>Admit.</p> <p>Learned counsel for the respondents states that counter affidavit is ready and he will file the same within three days.</p> <p>As prayed, list this case for hearing on 31.05.2018.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A No. 518 of 2018 with MA. No. 853 of 2018
In Re: OA No. (NIL) of 2018

Prem Shankar 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
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Objection on application for condonation of delay is taken on record.</p> <p>Accordingly, MA No. 853 of 2018 is disposed of.</p> <p>The matter relates to payment of pension, which involves a recurring cause of action. Accordingly, the delay in filing the OA is condoned.</p> <p>Admit.</p> <p>Learned counsel for the respondents states that counter affidavit is ready and he will file the same within two days.</p> <p>As prayed, list this case for hearing on 31.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A No. 520 of 2018 with
In Re: OA No. (NIL) of 2018

Gyan 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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Shri A.K.Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Objection on application for condonation of delay is taken on record.</p> <p>The matter relates to payment of pension, which involves a recurring cause of action. Accordingly, the delay in filing the OA is condoned.</p> <p>Accordingly, MA No. 520 of 2018 is disposed of.</p> <p>Admit.</p> <p>Learned counsel for the respondents states that counter affidavit is ready and he will file the same by tomorrow.</p> <p>As prayed, list this case for hearing on 29.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A No. 521 of 2018
In Re: OA No. (NIL) of 2018

Padma Datt

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, Ld. Counsel for the petitioner and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Objection on application for condonation of delay is taken on record.</p> <p>The matter relates to payment of pension, which involves a recurring cause of action. Accordingly, the delay in filing the OA is condoned.</p> <p>Accordingly, MA No. 521 of 2018 is disposed of.</p> <p>Admit.</p> <p>Learned counsel for the respondents states that counter affidavit is ready and he will file the same by tomorrow.</p> <p>As prayed, list this case for hearing on 29.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A No. 522 of 2018 with MA. No. 836 of 2018

In Re: OA No. (NIL) of 2018

Puran Singh 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
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Dr Shailendra Sharma Atal, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, his name be shown in the cause-list as counsel for the respondents.</p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Objection on application for condonation of delay is taken on record. MA No. 836 of 2018 stands disposed of.</p> <p>The matter relates to payment of pension, which involves a recurring cause of action. Accordingly, the delay in filing the OA is condoned.</p> <p>Accordingly, MA No. 522 of 2018 is disposed of.</p> <p>Admit.</p> <p>Copy of the PPO has been filed as Annexure to the OA. The respondents are directed to seek instruction about the correctness of the PPO so that the case may be disposed of expeditiously.</p> <p>As prayed, list this case for hearing on 30.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 185 of 2014

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
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the petitioner and Shri R.C. Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by learned counsel for the applicant, list this case for orders on 31.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 48 of 2017

Smt Radhika Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri CS Rawat, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>By means of this OA, the applicant claims herself to be the second wife of deceased soldier. She prays for grant of family pension. Learned counsel for the applicant submits that the marriage of the applicant with the deceased was solemnized before the enactment of the Hindu Marriage Act. However, there is no evidence on record to show that the marriage was solemnized prior to enforcement of the Hindu Marriage Act. Admittedly, the second marriage was solemnized during continuance of first marriage.</p> <p>Learned counsel for the applicant prays for time to bring on record the documentary evidence with regard to the date of marriage of the applicant.</p> <p>List this case for orders on 31.07.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 53 of 2017

Ishwar Singh Chiral
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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri N.K.Papnoi, holding brief of Shri DS Mehta, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>It is informed at Bar that Sri DS Mehta is not available today and prayer for adjournment of the case has been made.</p> <p>As prayed, list this case for orders on 30.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 55 of 2017

Jai Prakash

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 75 of 2017

Randheer 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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Dr Shailendra Sharma Atal, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, his name be shown in the cause-list as counsel for the respondents.</p> <p>Present: Shri N.K.Papnoi, Advocate holding brief of Shri M.C. Pant, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>This case has already been admitted and counter affidavit has been filed. Learned counsel for the applicant prays for time to file rejoinder affidavit.</p> <p>Learned counsel for the respondents submits that prior to this case, the applicant had filed a writ petition bearing No. 34605 of 1998 before the Hon'ble Allahabad High Court wherein the only prayer made was for payment of disability pension. Prayer for adding relief to challenge the discharge was rejected by Hon'ble High Court. Subsequently, the said writ petition was transferred to this Tribunal and was registered as TA No. 4 of 2010, which was disposed of vide order dated 27.04.2016, relevant portion of which is as under:</p> <p style="text-align: center;"><i>“After arguing at some length, Shri M.C.Pant, learned counsel for the applicant states that he be permitted to withdraw this application as well as the</i></p>

petition and liberty be granted to him to file a fresh.

Accordingly, we reject M.A. No. 1234 of 2015 and dismiss this TA as withdrawn with liberty granted to the applicant to file a fresh without there being any hindrance or impediment of limitation if the same is filed within one month from today.”

Learned counsel for the respondents submits that a bare perusal of the aforesaid order shows that the applicant was granted an opportunity to file a fresh petition only with regard to disability pension and prayer to add relief to challenge his discharge was rejected, whereas the applicant has come to this Tribunal challenging his discharge, hence it amounts to professional misconduct and concealment of facts.

Since this case has already been admitted for hearing and rejoinder affidavit to the counter affidavit filed by the respondents is awaited, therefore, we refrain from expressing any opinion on this point. This point shall be considered at the time of final disposal of the case.

As prayed, three weeks' time is granted to the applicant to file rejoinder affidavit.

List this case for orders on **02.08.2018**.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

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

OA No. 273 of 2017

Smt Leela Devi Karki

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri KK. Verma, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the applicant prays for time for better preparation of the case and cite case law on the subject that for adjudication of such cases, perusal of the medical papers is not required.</p> <p style="text-align: center;">As prayed, list this case for orders on 30.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 448 of 2017

Kundan 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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Kishore Rai, Ld. Counsel for the petitioner and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Rejoinder affidavit filed today is taken on record.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 131 of 2018

Smt Pushpa 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
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the petitioner and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Two days' time, as prayed by learned counsel for the respondents, is granted for filing the counter affidavit.</p> <p style="text-align: center;">List this case for orders on 30.05.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

RA No.23 of 2015 In Re: TA No. 101 of 2011

BS Ghuman

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance on behalf of respondents has been filed by Shri Anurag Mishra, Advocate, which is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the petitioner and Shri Anurag Mishra, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>This case is listed for disposal of Review Application. Pleadings are complete. Learned counsel for the applicant is not prepared with the brief. He himself is delaying the disposal of the case and has prayed for adjournment.</p> <p>List this case for orders on 01.08.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

TA No. 97 of 2012

Anand Prakash Bhatt Petitioner
By Legal Practitioner for the Petitioner
Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, Ld. Counsel for the petitioner and Shri AK Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">By means of this TA (Writ Petition No. 162 of 2003, filed in the year 2003) the petitioner has prayed for grant of compassionate appointment. After lapse of 15 years, the prayer of compassionate appointment is rendered infructuous by lapse of time. Learned counsel for the petitioner submits that he be permitted to withdraw the T.A. with liberty to file a fresh OA seeking relief only with regard to disability pension.</p> <p style="text-align: center;">Accordingly, the T.A. is dismissed as withdrawn with liberty aforesaid, as prayed.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p style="text-align: left;">JPT</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Circuit Bench at Nainital)

TA No. 21 of 2017

Vinod Chand

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri N.K.Papnoi, Advocate holding brief for Shri DS Mehta, Ld. Counsel for the petitioner and Shri Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>It is informed at Bar that Shri D.S. Mehta, learned counsel for the applicant is out of station and prayer for adjournment of the case has been made.</p> <p>Learned counsel for the respondents submits that this O.A.is not maintainable. He is directed to file written objection on the point of maintainability of the case within two days.</p> <p>List the case on 31.05.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 19 of 2015

Smt Manju Joshi & ors

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Asheesh Agnihotri, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Ms Meena Bohra, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Learned counsel for the respondents is permitted to carry out the amendments in the counter affidavit within two days.</p> <p>Learned counsel for the applicant states that he does not intend to file rejoinder affidavit.</p> <p>List the case on 01.06.2018 for hearing.</p> <p>On the next date of listing, learned counsel for the respondents shall produce the original record for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 52 of 2017

Bhupal Singh Jantwal
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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Manoj Kumar, Ld. Counsel for the applicant and Shri AK Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No. 54 of 2017

Kedar 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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Devendra Singh Bohra, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>Along with the counter affidavit, the respondents have filed a correction of the Army Regulation 595 wherein it is provided that the medical documents in case of persons who have retired without getting pensionary benefits, shall be retained till they attain the age of 65 years. On the other hand there is pleading on behalf of the respondents that in the case of the applicant, all documents have been destroyed within twenty years. Hence we direct the respondents to clarify this position that when the Regulation as filed by the respondents was in force then under whose orders the medical documents of the applicant have been destroyed.</p> <p>List the case on 01.08.2018 for hearing.</p> <p>Copy of this order be provided to learned counsel for the parties as per Rules.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Circuit Bench at Nainital)

OA No. 68 of 2017

BhimSingh

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>On request made by learned counsel for the applicant, list the case again on 31.05.2018 for hearing.</p> <p>On the date fixed learned counsel for the respondents shall produce the record for perusal of the Bench.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

OA No.430 of 2017

Hira 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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>It transpired during course of hearing that perusal of certain documents is necessary for adjudication of the case. The respondents are directed to produce the copy of the order whereby some educational qualification for the post in question has been made necessary.</p> <p>Apart from it, the respondents shall inform that the entry which they claim to have communicated to the applicant in June 2015 was initiated in which year.</p> <p>List the case on 31.05.2018 for hearing.</p> <p>On the date fixed learned counsel for the respondents shall produce the record for perusal of the Bench.</p> <p>Copy of the order be supplied to learned counsel for the parties on payment of usual charges.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

TA No. 565 of 2010

Khima Nand

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>28.05.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri AK Sahu, Ld. Counsel for the respondents, assisted by Capt Priyank Malivya, OIC Legal Cell.</p> <p>This case was taken up in the revised list.</p> <p>None appears for the applicant nor is there any request on his behalf to adjourn the case.</p> <p>It appears that learned counsel for the applicant Shri H.S.Sharma is not attending this case for last several dates. It appears that he is not interested in pursuing this matter.</p> <p>Accordingly, this TA is Dismissed for want of prosecution.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>