

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

EX.A. No. 251 of 2016
Inre O.A. No. 133 of 2016

Ghanshyam Tiwari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;"><u>EX.A. No. 251 of 2016</u></p> <p>This is an application for execution of order dated 17.11.2016 passed in O.A. No. 133 of 2016.</p> <p>On behalf of the respondents it is submitted that entire back wages including arrears have been paid to the applicant.</p> <p>Learned counsel for the applicant prays for time to seek instructions from his client whether he has received back wages including arrears or not.</p> <p>As prayed by learned counsel for the applicant, list this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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;">SB</p>

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(REGIONAL BENCH, LUCKNOW)

EX.A. No. 100 of 2017 with M.A. No. 82 of 2018
Inre O.A. No. 07 of 2013

Mukesh Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;"><u>EX.A. No. 100 of 2017</u></p> <p>This is an application for execution of order dated 14.08.2014 passed in O.A. No. 07 of 2013.</p> <p>Learned counsel for the applicant submits that by the order under execution, direction was given that applicant is entitled to consequential benefits, therefore, the applicant is entitled to promotion and seniority as was given to his batch-mates. He prays for and is granted time to cite case law on the point.</p> <p>As prayed by learned counsel for the applicant, list this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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>SB</p>

Form No. 4
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(REGIONAL BENCH, LUCKNOW)

EX.A. No. 32 of 2018
Inre O.A. No. 80 of 2017

Darpan Singh Karki
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 : None for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;"><u>EX.A. No. 32 of 2018</u></p> <p>This is an application for execution of order dated 01.08.2017 passed in O.A. No. 80 of 2017.</p> <p>The case was taken up in the revised list.</p> <p>Learned counsel for the respondents submits that the PPO has been issued. A copy of the PPO is taken on record.</p> <p>Since the order under execution has been complied with, therefore, this execution application is rendered infructuous and is disposed of accordingly.</p> <p>In the interest of justice, we direct that in case the order has not been complied with in its entirety, liberty is granted to the applicant to approach this Tribunal again.</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>

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(REGIONAL BENCH, LUCKNOW)

EX.A. No. 103 of 2018
Inre O.A. No. 333 of 2013

Jeewan Chandra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 appurtenance filed by Shri Shyam Singh on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri G.D. Joshi, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;"><u>EX.A. No. 103 of 2018</u></p> <p>This is an application for execution of order dated 28.08.2017 passed in O.A. No. 333 of 2013.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instruction from the authority concerned and file compliance report.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</p> <p>By the next date of listing, the respondents shall file compliance report otherwise they will have to pay cost of Rs. 5000/-.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p>

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

M.A. No. 1252 of 2017
Inre O.A. No. Nil of 2017

Laxmi Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Admittedly the applicant is second wife of deceased soldier.</p> <p>Learned counsel for the applicant submits that as per local customs and usage, second marriage is permissible during the life time of first wife. He prays for and is granted time to cite case law on the points.</p> <p>As prayed, list this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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>SB</p>

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ORDER SHEET
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(REGIONAL BENCH, LUCKNOW)

M.A. No. 526 of 2018
Inre O.A. No. Nil of 2018

Sunil Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>We have heard learned counsel for the parties on the application for condonation of delay. Application for condonation of delay is allowed and the delay in filing the original application is condoned.</p> <p>The issue involves requires hearing.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents submits that he shall file counter affidavit by tomorrow.</p> <p>List this case on 01.08.2018 for orders at Circuit Bench, Nainital.</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
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(REGIONAL BENCH, LUCKNOW)

**M.A. No. 1172 of 2018 with M.A.I No. 1173 of 2018, Inre M.A. No. 2027 of 2016 with
M.A. No. 554 of 2017**

Kharak Singh **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>On the previous date of listing i.e. 01.06.2018, cost of Rs. 500/- was imposed on the applicant. The cost so imposed has yet not been paid.</p> <p>Learned counsel for the applicant prays for and is granted a day's time to deposit the same.</p> <p>List this case on 02.08.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 48 of 2017

Smt. Radhika Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>On the request made by learned counsel for the applicant, the case is passed over for the day.</p> <p>As prayed, list this case on 02.08.2018 for orders at Circuit Bench, Nainital.</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>SB</p>

Form No. 4
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(REGIONAL BENCH, LUCKNOW)

O.A. No. 53 of 2017

Ishwar Singh Chiral
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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:justify">Present : Shri N.K. Papnoi, Advocate holding brief of Shri D.S. Mehta, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align:justify">As prayed by learned counsel for the applicant, the case is adjourned for the day.</p> <p style="text-align:justify">List this case on 01.08.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align:center">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align:right">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

O.A. No. 195 of 2017

Smt. Ganga Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 appurtenance filed by Shri Yogesh Kesarwani on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri K.K. Verma, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>It is admitted fact that the applicant is not the legally wedded wife of the deceased army soldier because the second marriage was solemnised without dissolution of the first marriage.</p> <p>Learned counsel for the applicant submits that the present O.A. may be dismissed with liberty to move fresh O.A. on behalf of the children of the said applicant i.e. second wife.</p> <p>Keeping in view the well settled legal position, we dismiss the O.A. with liberty aforesaid.</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, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 243 of 2018

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

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</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;">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>SB</p>

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

O.A. No. 290 of 2018

Bishan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the respondents submits that the matter relates to Air Force and he has not received instructions. He prays for adjournment. The case is accordingly adjourned.</p> <p>As prayed, list this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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>SB</p>

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

O.A. No. 292 of 2018

Balbir Bahadur Rana
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 appurtenance filed by Shri Amit Jaiswal on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Kishore Rai, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>On the request made by learned counsel for the respondents, the case is passed over for the day.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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>SB</p>

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

O.A. No. 296 of 2018

Smt. Laxmi Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant submits that he does not intend to file rejoinder affidavit.</p> <p>Heard learned counsel for the parties on merits.</p> <p>Arguments concluded.</p> <p>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>PKG</p>

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

T.A. No. 6 of 2018

Rakesh Kumar
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 : None for the petitioner and Shri Asheesh Agnihotri learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>None is present on behalf of the petitioner.</p> <p>Learned counsel for the respondents submits that the case is not maintainable before this Tribunal as the applicant is seeking compassionate appointment but the applicant is civilian.</p> <p>Learned counsel for the respondents submits that he shall file written objection on the point of maintainability of the case.</p> <p>As prayed, list this case on 02.08.2018 for orders at Circuit Bench, Nainital.</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>SB</p>

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

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

Manoj Singh
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 petitioner and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the respondents submits that he shall file affidavit of service in compliance of the order dated 14.11.2017 for service on the newly impleaded respondent Col (now Brig) Dharm Raj Rai.</p> <p>As prayed by learned counsel for the respondents, list this case on 02.08.2018 for orders at Circuit Bench, Nainital.</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, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

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

Hayat Singh Bankoti
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.07.2018</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 petitioner and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments to continue.</p> <p>List this case on 01.08.2018 for further hearing at Circuit Bench, Nainital.</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>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1293 of 2018
Inre O.A. No. Nil of 2018

Pratap Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 Yogesh Kesarwani on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1293 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Yogesh Kesarwani, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1294 of 2018
Inre O.A. No. Nil of 2018

Diwan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 Shyam Singh on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1294 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Shyam Singh, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1296 of 2018
Inre O.A. No. Nil of 2018

Heera Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1296 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri A.K. Sahu, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1297 of 2018
Inre O.A. No. Nil of 2018

Shyam Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1297 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Anurag Mishra, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1298 of 2018
Inre O.A. No. Nil of 2018

Nandan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1298 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Dr. Shailendra Sharma Atal, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1299 of 2018
Inre O.A. No. Nil of 2018

Narayan Singh Karki
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1299 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Asheesh Agnihotri, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

EX.A. No. 117 of 2017
Inre O.A. No. 244 of 2014

Balwant Singh Parihar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;"><u>EX.A. No. 117 of 2017</u></p> <p>This is an application for execution of order dated 13.02.2017 passed in O.A. No. 244 of 2014.</p> <p>Learned counsel for the respondents has produced before us a letter dated 14th July 2018, whereby the order under execution has been complied with.</p> <p>Learned counsel for the applicant submits that he has not received the copy of the letter and the arrears of salary has also not been paid to the applicant.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

EX.A. No. 39 of 2018
Inre O.A. No. 146 of 2015

Devendra Singh Bhandari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align:center"><u>EX.A. No. 39 of 2018</u></p> <p>This is an application for execution of order dated 03.10.2017 passed in O.A. No. 146 of 2015.</p> <p>On behalf of the respondents, a copy of the order passed by the Hon'ble Apex Court has been filed by means of an affidavit, which is taken on record, wherein the Hon'ble Apex Court has passed the following order :</p> <p style="text-align:center"><i>“Application seeking leave to appeal is allowed.</i></p> <p style="text-align:center"><i>Delay condoned.</i></p> <p style="text-align:center"><i>Issue notice.</i></p> <p style="text-align:center"><i>Mr. V Sivasubramanian, learned advocate on record, who is on caveat, accepts and waives formal notice on behalf of the respondents.</i></p> <p style="text-align:center"><i>In the meantime, there shall be stay of costs awarded by the Tribunal.</i></p> <p style="text-align:center"><i>Ms. Pinky Anand, learned ASG, asked for stay of liberalised family pension.</i></p> <p><i>At this stage, we do not think it fit to grant stay.</i></p> <p style="text-align:center"><i>We make it clear that if the Union of India ultimately succeeds in the Appeal, all amounts that have been disbursed pursuant to the said judgment shall be reimbursed.”</i></p> <p>On the basis of this order, on behalf of the respondents it is submitted that notice has been issued in this case, therefore, he prays that the execution of the order be stayed.</p> <p>We are of the view that the Hon'ble Apex Court has clearly refused to grant stay order on the payment of liberalised pension. Hon'ble Apex Court</p>

has only stayed to deposit the cost imposed on the respondents by the order under execution.

The other directions except the payment of cost given by the order under execution have to be complied with. Learned counsel for the respondents prays and is granted time by the next date for the same.

List this order on **17.09.2018** for orders at Circuit Bench, Nainital.

On the date fixed, learned counsel for the respondents shall file complete compliance report, failing which the respondents will have to deposit a cost of Rs.5000/- in the Registry.

Let a copy of this order be given to the learned counsel for the respondents within 24 hours free of cost.

(Air Marshal BBP Sinha)
Member (A)

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

anb

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
EX.A. No. 40 of 2018
Inre O.A. No. 58 of 2017

Raghubar Dutt Ray
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;"><u>EX.A. No. 40 of 2018</u></p> <p>This is an application for execution of order dated 16.05.2017 passed in O.A. No. 58 of 2017.</p> <p>Learned counsel for the respondents submits that the PPO, in compliance of the order under execution, has been issued.</p> <p>Learned counsel for the applicant also admits that the order under execution has been complied with and the Ex. Application has become infructuous.</p> <p>Accordingly, this Ex. Application is dismissed as infructuous.</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><i>anb</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
EX.A. No. 98 of 2018
Inre O.A. No. 185 of 2017

Naval Kishor Bhatt
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 Pankaj Negi, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;"><u>EX.A. No. 98 of 2018</u></p> <p>This is an application for execution of order dated 02.08.2017 passed in O.A. No. 185 of 2017.</p> <p>Learned counsel for the respondents submits that the PPO, in compliance of the order under execution, has been issued.</p> <p>Learned counsel for the applicant also admits that the order under execution has been complied with and the Ex. Application has become infructuous.</p> <p>Accordingly, this Ex. Application is dismissed as infructuous.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>anb</i></p>

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

M.A. No. 1248 of 2017 with M.A. No. 83 of 2018
Inre O.A. No. 340 of 2018

Ex Capt (MNS) Hema Bist
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 M.C. Pant, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Heard learned counsel for the applicant on the point of delay.</p> <p>By means of this O.A., the applicant has made prayer for her reinstatement in service and also in the alternative prayer for grant of disability pension.</p> <p>So far as the first prayer of the applicant i.e. reinstatement in service is concerned, we do not find that the delay has been satisfactorily explained. Therefore, we do not intend to entertain this O.A. with regard to first prayer.</p> <p>So far as the second/alternative prayer is concerned, that is a recurring cause of action, hence we admit this O.A. on the point of alternative prayer i.e. grant of disability pension.</p> <p>Let the case be registered as O.A. No. 340 of 2018.</p> <p>With regard to second/alternative prayer, counter affidavit has already been filed by the respondents.</p> <p>List this case on 02.08.2018 for hearing at Circuit Bench, Nainital.</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><i>SB</i></p>

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

M.A. No. 524 of 2018
Inre O.A. No. Nil of 2018

Smt. Bhawani Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Replication to objection on the application for condonation of delay filed by learned counsel for the applicant is taken on record.</p> <p><u>M.A. No. 524 of 2018</u></p> <p>We have heard learned counsel for the parties on the application for condonation of delay.</p> <p>By means of this O.A., the applicant has prayed for grant of disability pension, which is a recurring cause of action.</p> <p>Hence the application for condonation of delay is allowed and the delay in filing the original application is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents submits that he shall file counter affidavit by tomorrow.</p> <p>List this case on 02.08.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align:center">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align:right">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

M.A. No. 1248 of 2018
Inre O.A. No. Nil of 2018

Prem Singh Saun
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the respondents submits that he shall file objection on the application for condonation of delay by tomorrow after serving a copy of the same to learned counsel for the applicant.</p> <p>List this case on 03.08.2018 for orders at Circuit Bench, Nainital.</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><i>anb</i></p>

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

M.A. No. 1251 of 2018 Inre O.A. No. Nil of 2018

Mukund Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, Advocate holding brief of Shri S.C. Bhatt, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record and a copy of the same has been handed over to learned counsel for the applicant.</p> <p>Learned counsel for the applicant prays for and is granted four weeks time to file his replication.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

O.A. No. 185 of 2014

Lal Bahadur Gurung
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Supplementary counter affidavit filed by learned counsel for the respondents is taken on record and a copy of the same has been provided to learned counsel for the applicant.</p> <p>Learned counsel for the applicant prays for and is granted four weeks time to file supplementary rejoinder affidavit.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

O.A. No. 131 of 2018

Smt. Pushpa Bhatt
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks further time to file rejoinder affidavit.</p> <p style="text-align: center;">List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>anb</i></p>

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

O.A. No. 281 of 2018

Maj Tarun Singh Kushwaha (Retd)
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 Rajiv Manglik, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p style="text-align: center;">List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

O.A. No. 293 of 2018

Smt. Madhvi Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 D.S. Mehta, learned counsel for the applicant and Ms. Appoli Srivastava, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the respondents submits that he shall file counter affidavit by tomorrow.</p> <p style="text-align: center;">List this case on 02.08.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

O.A. No. 294 of 2018

Raghu Nandan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 D.K. Bankoti, learned counsel for the applicant and Ms. Appoli Srivastava, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to take steps for amending the prayer clause of the O.A.</p> <p>As prayed, list this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

O.A. No. 295 of 2018

Keshar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant submits that he does not intend to file rejoinder affidavit.</p> <p>Heard learned counsel for the parties on merits.</p> <p>Arguments concluded.</p> <p>Orders 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><i>PKG</i></p>

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

O.A. No. 298 of 2018

Smt. Jeewantee Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the respondents prays for time to file counter affidavit. As prayed, last opportunity is granted to the respondents to file counter affidavit within four weeks.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>PKG</i></p>

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

O.A. No. 300 of 2018

Ramesh Chandra Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p style="text-align: center;">List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>PKG</i></p>

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

R.A. No. 23 of 2015 Inre T.A. No. 101 of 2011

B.S. Chauhan
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 petitioner and Shri Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>An adjournment is prayed on behalf of learned counsel for the petitioner. In the interest of justice, the case is adjourned.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

T.A. No. 86 of 2016

Nain Singh
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 : None for the petitioner and Ms. Appoli Srivastava, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>On call of the case, no one appears on behalf of the petitioner nor is there is any request to pass over the case.</p> <p>Perusal of last order sheets shows that no one appeared on behalf of the petitioner also.</p> <p>Accordingly the case is dismissed for non 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><i>PKG</i></p>

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

T.A. No. 36 of 2017

Harish Chandra Bhatt
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 Singh, learned counsel for the petitioner and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>A preliminary objection on the point of maintainability of the case, filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted four weeks time to argue on the point of maintainability of the case.</p> <p>List this case on 18.09.2018 for further hearing at Circuit Bench, Nainital.</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><i>SB</i></p>

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

T.A. No. 4 of 2018

Sita Thapa
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 Singh, learned counsel for the petitioner and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted four weeks further time to file counter affidavit.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

O.A. No. 54 of 2017

Kedar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 D.S. Bohra, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the respondents is directed to file better affidavit explaining substitution of the note of the Regulation for the Army 1987 (Revised) Para 595, also indicating therein the implication of the substituted para (f) and explain as to how invalidment of the individual would not be covered by the said substituted para (f).</p> <p style="text-align: center;">List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>anb</i></p>

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

O.A. No. 77 of 2017

Smt. Tulsi Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</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;">Orders 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><i>anb</i></p>

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

O.A. No. 132 of 2018

Diwan Singh Bora
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks time to file rejoinder affidavit.</p> <p style="text-align: center;">List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>anb</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1388 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Diwan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1388 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Namit Sharma, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

M.A. No. 1389 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Narain Singh **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. Her name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Ms. Appoli Srivastava, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1389 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Ms. Appoli Srivastava, learned counsel for the respondents. She prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for the respondents.</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;"><i>SB</i></p>

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

M.A. No. 1390 of 2018

Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Rajendra Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1390 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Bhanu Pratap Singh, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

M.A. No. 1391 of 2018

Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Bahadur Singh Bhandari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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. Gyan Singh on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1391 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Dr. Gyan Singh, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

M.A. No. 1392 of 2018

Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Guman Singh Dhapola
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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. Chet Narain Singh on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1392 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Dr. Chet Narain Singh, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

M.A. No. 1393 of 2018

Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Lalit Singh Karmayal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 Amit Jaiswal on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1393 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Amit Jaiswal, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1394 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Mohan Ram
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 R.C. Shukla on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1394 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri R.C. Shukla, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

M.A. No. 1395 of 2018

Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Kunwar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1395 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Dr. Shailendra Sharma Atal, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB</small></p>

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

M.A. No. 1396 of 2018

Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Madhan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1396 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Dr. Shailendra Sharma Atal, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1397 of 2018
Inre O.A. No. Nil of 2018

Smt. Sagro Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 Amit Jaiswal on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1397 of 2018</u></p> <p>This Original Application has been filed by the applicant with the prayer for grant of disability pension. This O.A. has been filed after a considerable delay of 47 years, 04 months & 13 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Amit Jaiswal, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

O.A. No. 339 of 2018

Sunil Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record and a copy of the same has been provided to learned counsel for the applicant.</p> <p>Learned counsel for the applicant does not intend to file rejoinder affidavit.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>anb</i></p>

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

O.A. No. 53 of 2017

Ishwar Singh Chiral
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 of Shri D.S. Mehta, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>As per arguments of the learned counsel for the applicant, the medical documents ought to have been retained by the respondents till the applicant attains the age of 65 years.</p> <p>However, learned counsel for the respondents has argued otherwise that the retention of the medical documents for the period is not applicable in the case of the applicant. Learned counsel for the respondents is directed to bring on record the said reply by means of an affidavit by the next date.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>PKG</i></p>

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

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

Hayat Singh Bankoti
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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 petitioner and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the applicant has concluded his arguments.</p> <p>On behalf of the respondents, synopsis of the case has been filed, copy of the same has been provided to the learned counsel for the applicant.</p> <p>Learned counsel for the respondents submits that he shall make his oral submission tomorrow.</p> <p>List this case on 02.08.2018 for further hearing at Circuit Bench, Nainital.</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><i>PKG</i></p>

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

O.A. No. 296 of 2018

Smt. Laxmi Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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>O.A. No. 296 of 2018, Smt Laxmi Devi vs. Union of India & others is allowed.</p> <p>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, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 243 of 2018

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

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2018</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>O.A. No. 243 of 2018, Lt Col Triveni Chandra Pandey (Retd) vs. Union of India & others is allowed.</p> <p>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: right;">(Justice S.V.S. Rathore) Member (J)</p> <p>GSR</p>

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

EX.A. No. 99 of 2018
Inre O.A. No. 184 of 2017

Pradeep Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;"><u>EX.A. No. 99 of 2018</u></p> <p>This is an application for execution of order dated 24.11.2017 passed in O.A. No. 184 of 2017.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instruction from the authority concerned and file compliance report.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

M.A. No. 839 of 2017 with M.A. No. 1024 of 2018, M.A. No. 840 of 2017
Inre M.A. No. 476 of 2016

Liladhar Bhatt
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Kishor Kumar, Advocate holding brief of Shri S.S. Yadav, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Shri Kishor Kumar, Advocate holding brief submits that Shri S.S. Yadav, learned counsel for the applicant is not available today and prays for adjournment of the case. As prayed the case is adjourned.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

M.A. No. 1276 of 2017
Inre O.A. No. Nil of 2017

Rajendra Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p>As prayed by the learned counsel for the applicant, list this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>anb</i></p>

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

M.A. No. 1152 of 2018 Inre O.A. No. Nil of 2018

Prem Shankar Singh Negi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p style="text-align: center;"><u>M.A. No. 1152 of 2018</u></p> <p style="text-align: center;">This is an application for condonation of delay in filing the O.A.</p> <p style="text-align: center;">Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p style="text-align: center;">Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Let the case be registered as O.A.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p style="text-align: center;">List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

M.A. No. 1241 of 2018 Inre O.A. No. Nil of 2018

Ghura Nand
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Dinesh Gahatori, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents submits that since there is a huge delay in filing the O.A., therefore, the arrears should be restricted to the period of three years. We shall deal with this aspect at the time of final disposal of the O.A.</p> <p>List this case on 20.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

M.A. No. 1269 of 2018 Inre O.A. No. Nil of 2018

Col Suresh Chandra Gupta (Retd) By Legal Practitioner for Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>02.08.2018</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: justify;">Present : Shri T.B. Srivastava, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: justify;">Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p style="text-align: center;"><u>M.A. No. 1269 of 2018</u></p> <p style="text-align: justify;">This is an application for condonation of delay in filing the O.A.</p> <p style="text-align: justify;">Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p style="text-align: justify;">Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: justify;">Let the case be registered as O.A.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant, within two weeks, thereafter.</p> <p style="text-align: justify;">List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</p> <table style="width: 100%; border: none; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 5px;"><small>SB</small></p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(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, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 75 of 2017

Randheer Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 M.C. Pant, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the applicant prays for adjournment of the case. As prayed, the case is adjourned for the day.</p> <p style="text-align: center;">List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>anb</i></p>

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

O.A. No. 273 of 2017

Smt. Leela Devi Karki
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 K.K. Verma, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</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;">Orders 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><i>SB</i></p>

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

O.A. No. 280 of 2017

Mahendra Singh Padiyar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Rejoinder affidavit filed by learned counsel for the applicant is taken on record.</p> <p style="text-align: center;">Since pleadings are complete, list this case on 18.09.2018 for hearing at Circuit Bench, Nainital.</p> <p style="text-align: center;">On the date fixed, parties shall file compilation of case law and chart of events. Original record shall also be produced by 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><i>SB</i></p>

{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 128 of 2018 Inre O.A. No. Nil of 2018

Harbans Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>It is submitted by learned counsel for the parties that pleadings are complete and the case is ripe for hearing.</p> <p>As prayed, list this case on 18.09.2018 for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, parties shall file compilation of case law and chart of events. Original record shall also be produced by 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><i>SB</i></p>

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

O.A. No. 129 of 2018

Mohan Chandra Joshi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>As the matter pertains to Navy, learned counsel for the respondents prays for time to seek instructions from the authority concerned and to file counter affidavit. As prayed four weeks time is granted for the same.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>PKG</i></p>

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

O.A. No. 276 of 2018

Tejinder Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the respondents submits that he has received comments and he shall file counter affidavit in the next sitting.</p> <p>As prayed, list this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>PKG</i></p>

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

T.A. No. 21 of 2017

Vinod Chand
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 D.S. Mehta, learned counsel for the petitioner and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</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><i>SB</i></p>

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

T.A. No. 54 of 2017

Harsh Vardhan
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 petitioner and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Supplementary rejoinder affidavit filed by learned counsel for the applicant is taken on record.</p> <p>It is informed by learned counsel for the parties that the case is ripe for hearing.</p> <p>List this case on 18.09.2018 for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, parties shall file compilation of case law and chart of events. Original record shall also be produced by 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><i>SB</i></p>

{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 195 of 2010

Anil Kumar Arya
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</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;">Orders 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><i>PKG</i></p>

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

O.A. No. 19 of 2015

Smt. Manju Joshi & Others
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 : Ms. Meena Bohra, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Written arguments filed by learned counsel for the applicant is taken on record and a copy of the same has been provided to learned counsel for the respondents who prays for time to go through it and to file his written reply.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents, list this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

O.A. No. 430 of 2017

Hira Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</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;">Orders 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><i>PKG</i></p>

{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 278 of 2018

Himanshu Bhatt
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Rejoinder affidavit filed by learned counsel for the applicants is taken on record.</p> <p>Learned counsel for the respondents prays for time to go through it.</p> <p>As prayed by learned counsel for the respondents, list this case on 18.09.2018 for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, parties shall file compilation of case law and chart of events. Original record shall also be produced by 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><i>PKG</i></p>

ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 289 of 2018

Shyam Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Mohit Maulekhi, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the respondents submits that he has received para-wise comments from the authority concerned and shall file counter affidavit by next sitting.</p> <p>As prayed by learned counsel for the respondents, list this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>PKG</i></p>

ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 297 of 2018

Pushkar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Kishor Kumar, Advocate holding brief of Shri S.S. Yadav, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Shri Kishor Kumar, Advocate holding brief submits that Shri S.S. Yadav, learned counsel for the applicant is not available today and prays for adjournment of the case. As prayed the case is adjourned.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>PKG</i></p>

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

M.A. No. 1398 of 2018
Inre O.A. No. Nil of 2018

Ex Rect Digambar Singh Kharayat
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</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, Departmental Representative.</p> <p><u>M.A. No. 1398 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of disability pension. This O.A. has been filed after a considerable delay of 10 years, 10 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Dr. Shailendra Sharma Atal, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

M.A. No. 1399 of 2018
Inre O.A. No. Nil of 2018

Ex Nk Govind Singh Bhandari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Yogesh Kesarwani, on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Kishore Rai, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1399 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of disability pension. This O.A. has been filed after a considerable delay of 09 years, 08 months & 09 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Yogesh Kesarwani, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

M.A. No. 1400 of 2018
Inre O.A. No. Nil of 2018

Ex Hav Shankar Dutt
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Shyam Singh on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Kishore Rai, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1400 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Shyam Singh, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 03.08.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

M.A. No. 1401 of 2018
Inre O.A. No. Nil of 2018

Ex NC(E) Rajendra Singh Rawat
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 Amit Jaiswal on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1401 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of disability pension. This O.A. has been filed after a considerable delay of 02 years, 10 months & 30 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Amit Jaiswal, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 17.09.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

M.A. No. 1172 of 2018 with M.A. No. 1173 of 2018
Inre M.A. No. 2027 of 2016 with M.A. No. 554 of 2017

Kharak Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>It is admitted by learned counsel for the respondents that cost of Rs. 500/- has been deposited by learned counsel for the applicant.</p> <p>By means of this Original Application, the applicant has challenged the dismissal order passed in 1992.</p> <p>The applicant has filed this O.A. himself and submission of the learned counsel for the applicant is that delay in pursuing the case is that the applicant is mentally disturbed. However, there is no medical certificate to this effect that the treatment of the applicant regarding mental illness is going on after his dismissal from service.</p> <p>Learned counsel for the applicant prays for time to bring on record the medical documents by means of an affidavit in support of the grounds for explanation of delay.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>PKG</i></p>

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

O.A. No. 48 of 2017

Smt. Radhika Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Rejoinder affidavit filed by learned counsel for the applicant is taken on record.</p> <p>Learned counsel for the applicant submits that he is not prepared with the case and the matter may be listed for hearing on the next sitting.</p> <p>List this case on 17.09.2018 for hearing at Circuit Bench, Nainital.</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><i>SB</i></p>

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

T.A. No. 6 of 2018

Rakesh Kumar
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 : None for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>List has been revised.</p> <p>None is present on behalf of the petitioner and no one was present even on the last date.</p> <p>Learned counsel for the respondents has filed written submission on the point of maintainability of the O.A.</p> <p>The prayer of the applicant is as under :</p> <p><i>“(i) issue a writ order or direction in the nature of certiorari quashing the impugned order dated 31.10.2009 (Annexure-9) passed by respondents.</i></p> <p><i>(ii) issue a writ order or direction in the nature of mandamus commanding the respondents to give appointment the petitioner under on a suitable post (as per his educational qualification) under dying in harness rules.</i></p> <p><i>(iii) Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.</i></p> <p><i>(iv) Award cost of the petition.”</i></p> <p>Learned counsel for the respondents submitted that father of the applicant was a civilian and thus the applicant is not covered under Army Act and also not covered by Section 3(o) of Armed Forces Tribunal Act, 2007 which reads as under :-</p> <p><i>3 (o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include –</i></p> <p><i>(i) remuneration (including allowances), pension and other retirement benefits;</i></p> <p><i>(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;</i></p>

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) any other matter, whatsoever,

but shall not include matters relating to –

(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and

(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).

(iii) leave of any kind;

(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months;

Since the applicant is not covered by Army Act and therefore this case is not maintainable by this Tribunal.

Accordingly this T.A. is **dismissed** as not maintainable.

(Air Marshal BBP Sinha)
Member (A)

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

SB

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

O.A. No. 342 of 2018

Smt. Bhawani Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted four weeks time to file rejoinder affidavit.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

O.A. No. 293 of 2018

Smt. Madhvi Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 D.S. Mehta, learned counsel for the applicant and Ms. Appoli Srivastava, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">Counter Affidavit and Supplementary Affidavit filed by learned counsel for the respondents is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prays for time to go through it and file his reply.</p> <p style="text-align: center;">As prayed, list this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>anb</i></p>

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

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

Manoj Singh

By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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, learned counsel for the petitioner and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: center;">As prayed by learned counsel for the parties, list this case on 18.09.2018 for hearing at Circuit Bench, Nainital.</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><i>SB</i></p>

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

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

Hayat Singh Bankoti By Legal Practitioner for Petitioner	Versus	Petitioner
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
SB	<p><u>02.08.2018</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: justify;">Present : Shri Lalit Kumar, learned counsel for the petitioner and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: justify;">Heard learned counsel for the parties.</p> <p style="text-align: justify;">Arguments concluded.</p> <p style="text-align: justify;">Order reserved.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(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, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)

O.A. No. 340 of 2018

Ex Capt (MNS) Hema Bist
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 M.C. Pant, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</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;">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><i>anb</i></p>

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

T.A. No. 6 of 2018

Rakesh Kumar
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2018</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 : None for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>List has been revised.</p> <p>None is present on behalf of the petitioner even in the revised list and no one was also present even on the last date.</p> <p style="text-align:center"><u>ORDER (Oral)</u></p> <p>1. This Transferred Application has been received by transfer from the Hon'ble High Court of Uttarakhand at Nainital vide order dated 05.04.2018 and was renumbered as T.A. No. 6 of 2018. Earlier the petitioner had filed Writ Petition bearing No. 1211 of 2010 (S/S) with the following prayers :-</p> <p style="padding-left: 40px;"><i>“(i) issue a writ order or direction in the nature of certiorari quashing the impugned order dated 31.10.2009 (Annexure-9) passed by respondents.</i></p> <p style="padding-left: 40px;"><i>(ii) issue a writ order or direction in the nature of mandamus commanding the respondents to give appointment the petitioner under on a suitable post (as per his educational qualification) under dying in harness rules.</i></p> <p style="padding-left: 40px;"><i>(iii) Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.</i></p> <p style="padding-left: 40px;"><i>(iv) Award cost of the petition.”</i></p> <p>2. Preliminary objection on the maintainability of the O.A. filed by the learned counsel for the respondents is taken on record. Learned counsel for the respondents submits that as per the provisions of Armed Forces Tribunal Act, 2007, only service matters of the personnel who are governed by the Army Act, 1950, Navy Act, 1957 & Air Force Act, 1950 are within the jurisdiction of this Tribunal. Learned counsel for the respondents further submitted that the matter be remitted back to the Hon'ble High Court of Uttarakhand at Nainital as it is not within the jurisdiction of this Tribunal.</p>

Section 2 of AFT Act, 2007 reads as under :-

*“2. **Applicability of the Act.** – (1) The provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).*

(2) This Act shall also apply to retired personnel subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters.

3. Learned counsel for the respondents submitted that father of the petitioner was a civilian and thus the petitioner is not covered under Army Act and also not covered by Section 3(o) of Armed Forces Tribunal Act, 2007 which reads as under :-

3 (o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include –

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) any other matter, whatsoever,

but shall not include matters relating to –

(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and

(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).

(iii) leave of any kind;

(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months;

Thus it is clear that only service matters of the persons subject to Army Act, Navy Act & Air Force Act are cognizable by this Tribunal.

4. In support of his submission, learned counsel for the petitioner has placed reliance of a Division Bench of the Hon’ble Supreme Court in the case of **Union of India & 2 Others vs. Kapil Kumar** (Special Appeal No.833 of 2015) presided over by Hon’ble Dr. D.Y.Chandrachud, Chief Justice (as his Lordship then was) decided on 24.11.2015. In the facts of that case, the respondent appeared for the recruitment examination and in the medical examination he was found to be permanently unfit and therefore, he

was not enrolled. The Division Bench, after considering the applicability of the Act and the other provisions of the Armed Forces Tribunal Act, has observed as under :

“In the present case, we find that the learned Single Judge has simply ordered that the proceedings be transferred under Section 34 without considering as to whether the matter was within the jurisdiction of the Tribunal under Section 14. The relief which the respondent seeks is to provide him entry into the service of the Army. There is not even an averment to the effect that the respondent was enrolled as a member of the Armed Force. On the contrary, the respondent has sought to question the decision by which he was declared unfit for enrolment on the ground that he did not meet the required medical standard. Such a dispute which arose prior to the enrolment of the respondent into the Armed Forces would not fall within the definition of the expression “service matters” under Section 3(o) because ex facie, the respondent is not a person who is subject to the Army Act 1950.”

5. Apart from it, Hon’ble Supreme Court in the case of **Mohammed Ansari vs. Union of India & Ors.** (Civil Appeal No.10131 of 2016) decided on 2nd February 2017. Though this was a matter pertaining to the applicability of the Armed Forces Tribunal Act into the Border Roads Engineering Services (BRES). Hon’ble Supreme Court has also considered the applicability of the AFT Act in detail and held that when the BRES persons are not covered by the AFT Act, therefore, their cases are not triable by the Armed Forces Tribunal.

6. Admittedly the father of the petitioner was not governed by the Army Act as he was working as Civilian Carpenter in MES, therefore he was not governed by the Army Act. So, the claim of the petitioner for compassionate appointment does not fall within the jurisdiction of this Tribunal and thus this petition is not maintainable before this Tribunal.

7. In view of the decision of the Hon’ble High Court of Judicature at Allahabad and the view expressed by the Hon’ble Supreme Court, since the father of the petitioner was not governed by the Army Act, therefore, the matter of the petitioner for compassionate appointment shall not be within the jurisdiction of Armed Forces Tribunal in view of the provisions of Armed Forces Tribunal Act, 2007.

8. In view of the discussions, made herein above, this T.A. is **disposed of** finally as not maintainable in the AFT.

Registry is directed to send back the records of this T.A. to the Hon’ble High Court of Uttarakhand at Nainital.

(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, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 515 of 2018
Inre O.A. No. Nil of 2018

Smt. Haruli Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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 D.K. Bankoti, Advocate holding brief of Shri Alok Mahra, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 515 of 2018</u></p> <p>Objection and replication on application for condonation of delay have been filed.</p> <p>The matter involved relates to payment of family pension which is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents has also filed counter affidavit which is taken on record.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</p> <p>In the meantime, rejoinder affidavit, if any, may be filed by learned counsel for the applicant.</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><i>SB</i></p>

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

O.A. No. 299 of 2018

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

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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: justify;">Present : Shri C.S. Rawat, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p style="text-align: justify;">Learned counsel for the applicant prays for and is granted four weeks, time to file rejoinder affidavit.</p> <p style="text-align: justify;">List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1403 of 2018 Inre O.A. No. Nil of 2018

Ex Hav Mangal Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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 R.C. Shukla on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1403 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of disability pension. This O.A. has been filed after a considerable delay of 07 years & 11 months in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri R.C. Shukla, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 17.09.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

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

M.A. No. 1404 of 2018 Inre O.A. No. Nil of 2018

Ex Rect Jagat Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Kishore Rai, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1404 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of disability pension. This O.A. has been filed after a considerable delay of 20 years, 05 months & 22 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri A.K. Sahu, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 17.09.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET

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

M.A. No. 1405 of 2018 Inre O.A. No. Nil of 2018

Ex Sub Maj Suresh Prakash Chander
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Kishore Rai, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1405 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of disability pension. This O.A. has been filed after a considerable delay of 01 years, 06 months & 29 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Shri Anurag Mishra, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 17.09.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

M.A. No. 1406 of 2018 Inre O.A. No. Nil of 2018

Ex Hav Shankar Chandra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Ms. Shruti Joshi, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1406 of 2018</u></p> <p>This Original Application has been filed with the prayer for grant of pension of Hony Naib Subedar. This O.A. has been filed after a considerable delay of 08 years, 07 months & 18 days in filing the Original Application.</p> <p>Notice on behalf of respondents has been received by Dr. Shailendra Sharma Atal, learned counsel for the respondents. He prays for time to go through it and to argue on the application for condonation of delay.</p> <p>List this case on 17.09.2018 for orders on the application for condonation of delay at Circuit Bench, Nainital.</p> <p>Meanwhile, objection, if any, may be filed by learned counsel for 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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
EX.A. No. 141 of 2018 Inre O.A. No. 285 of 2017

Bachuli Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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 on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>EX.A. No. 141 of 2018</u></p> <p>This is an application for execution of order dated 10.10.2017 passed in O.A. No. 285 of 2017.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instruction from the authority concerned and file compliance report.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
EX.A. No. 121 of 2018 Inre O.A. No. 326 of 2016

Ex Nk Diwan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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. Chet Narayan Singh on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Dr. Chet Narayan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>EX.A. No. 121 of 2018</u></p> <p>This is an application for execution of order dated 13.03.2018 passed in O.A. No. 326 of 2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instruction from the authority concerned and file compliance report.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1293 of 2018
Inre O.A. No. Nil of 2018

Pratap Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1293 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1294 of 2018
Inre O.A. No. Nil of 2018

Diwan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1294 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1296 of 2018
Inre O.A. No. Nil of 2018

Heera Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1296 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1297 of 2018
Inre O.A. No. Nil of 2018

Shyam Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1297 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1298 of 2018
Inre O.A. No. Nil of 2018

Nandan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1298 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1299 of 2018 Inre O.A. No. Nil of 2018

Narayan Singh Karki
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1299 of 2018</u></p> <p>Heard learned counsel for the parties.</p> <p>Learned counsel for the applicant has submitted that there is a mistake in the array of party. Leave is granted to learned counsel for the applicant to correct array of parties during the course of day.</p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1388 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Diwan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1388 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1389 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Narain Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Ms. Appoli Srivastava, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1389 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align:center">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align:right">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1390 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Rajendra Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1390 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 17.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

M.A. No. 1391 of 2018

Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Bahadur Singh Bhandari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1391 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

M.A. No. 1392 of 2018

Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Guman Singh Dhapola
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1392 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align:center">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align:right">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1393 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Lalit Singh Karmayal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1393 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1394 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Mohan Ram
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1394 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1395 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Kunwar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1395 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1396 of 2018
Inre O.A. No. Nil of 2018

Ex Hav/Hony Naib Subedar Madhan Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1396 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL
(REGIONAL BENCH, LUCKNOW)
M.A. No. 1397 of 2018
Inre O.A. No. Nil of 2018

Smt. Sagro Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1397 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 20.09.2018 for orders at Circuit Bench, Nainital.</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><i>SB</i></p>

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

M.A. No. 1398 of 2018 Inre O.A. No. Nil of 2018

Ex Rect Digambar Singh Kharayat
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1398 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 20.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

M.A. No. 1399 of 2018 Inre O.A. No. Nil of 2018

Ex Nk Govind Singh Bhandari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1399 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 18.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

M.A. No. 1400 of 2018 Inre O.A. No. Nil of 2018

Ex Hav Shankar Dutt
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p><u>M.A. No. 1400 of 2018</u></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents has argued the case that since there is a delay in filing the O.A., therefore, the arrears should be restricted for a period of three years. We shall deal with this aspect at the time of final disposal in the light of settled case laws on the point.</p> <p>Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

M.A. No. 1248 of 2018 Inre O.A. No. Nil of 2018

Prem Singh Saun
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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 Kumar, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Learned counsel for the respondents has raised a preliminary objection stating that the applicant is not subject to Army Act, therefore, this O.A. is not maintainable.</p> <p>Copy of the preliminary objection has been provided to Shri Kishore Rai, Advocate, holding brief of Shri Kishore Kumar, learned counsel for the applicant who prays for and is granted time to file reply to the preliminary objection.</p> <p>List this case on 19.09.2018 for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>SB</i></p>

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

O.A. No. 130 of 2018

Hridayesh Maithani
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2018</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 : None for the applicant and Shri R.C. Shukla, learned counsel for the respondents assisted by Capt Priyank Malviya, Departmental Representative.</p> <p>Case was taken up in the revised list.</p> <p>None appeared for the applicant. Rejoinder affidavit has also not been filed. However, in the interest of justice, the case is adjourned for the day.</p> <p>List this case on 20.09.2018 for orders at Circuit Bench, Nainital.</p> <p>Meanwhile, rejoinder affidavit, if any, may be filed by learned counsel for the applicant.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p><i>anb</i></p>