

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

**O.A. No. 378 of 2011**

**Mohan Singh Bisht**

**Applicant**

**By Legal Practitioner for Applicant**

**Versus**

**Union of India & Others**

**Respondents**

**By Legal Practitioner for Respondents**

<b>Notes of Registry</b>	<b>Order of the Tribunal</b>
<p><b><u>04.03.2016</u></b></p> <p>Since one of the Hon'ble Members is on leave; the court will not assemble today.</p> <p>List on <b>29.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p style="text-align: right;">I/C Registrar</p>	

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

**T.A. No. 565 of 2010**

**Khima Nand**

**Applicant**

**By Legal Practitioner for Applicant**

**Versus**

**Union of India & Others**

**Respondents**

**By Legal Practitioner for Respondents**

<b>Notes of Registry</b>	<b>Order of the Tribunal</b>
<p><b><u>04.03.2016</u></b></p> <p>Since one of the Hon'ble Members is on leave; the court will not assemble today.</p> <p>List on <b>28.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p style="text-align: right;">I/C Registrar</p>	

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

**T.A. No. 76 of 2011**

**Smt. Savitri Devi**

**Applicant**

**By Legal Practitioner for Applicant**

**Versus**

**Union of India & Others**

**Respondents**

**By Legal Practitioner for Respondents**

<b>Notes of Registry</b>	<b>Order of the Tribunal</b>
<p><b><u>04.03.2016</u></b></p> <p>Since one of the Hon'ble Members is on leave; the court will not assemble today.</p> <p>List on <b>28.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p style="text-align: right;">I/C Registrar</p>	

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

**T.A. No. 35 of 2012**

**Prem Ballabh & Ors**

**Applicant**

**By Legal Practitioner for Applicant**

**Versus**

**Union of India & Others**

**Respondents**

**By Legal Practitioner for Respondents**

<b>Notes of Registry</b>	<b>Order of the Tribunal</b>
<p><b><u>04.03.2016</u></b></p> <p>Since one of the Hon'ble Members is on leave; the court will not assemble today.</p> <p>List on <b>29.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p style="text-align: right;">I/C Registrar</p>	

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

**T.A. No. 464 of 2010**

**Jogeshwar Prasad Devrani**  
**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><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Case called out, no one appears for the applicant even in the second round after having passed over in the first round. In the interest of justice, the case is adjourned.</p> <p>List on <b>28.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</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**

**Hayat Singh Bankoti**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Anurag Mishra on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>The applicant, Hayat Singh Bankoti, identified by his Learned Counsel, Shri Lalit Kumar, is present in Court.</p> <p>Learned counsel for the respondents, has submitted that pre-trial proceeding record pertaining to the case has been destroyed by HQ 16 Corps JAG Department on 16.10.2008. On the other hand, leaned counsel for the applicant has submitted that the writ petition before Hon'ble Delhi High Court was pending since 1998 and during the pendency of the writ petition, the respondents could not have destroyed the documents pertaining to the case.</p> <p>From perusal of record, it transpires that this Tribunal vide its order dated 01.09.2014 had directed the respondents to file affidavit whether Pre-Trial Proceedings had ever been conducted or not, but since then no affidavit in this regard has been filed by the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further six weeks' time to file detailed affidavit with regard to record of Pre-Trial Proceedings.</p> <p>List on <b>27.04.2016</b> for hearing, at Circuit bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align:center"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align:right"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

T.A. No. 108 of 2011

Smt. Geeta Rawat & Ors  
By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Rajiv Pandey on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>Learned counsel for the applicant has filed an application for adjournment on personal ground, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>25.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 38 of 2014**

**Dhyan Singh Kaira**  
**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><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Judgment pronounced today in open Court. O.A. No. 38 of 2014, Dhyan Singh Kaira vs. Union of India &amp; others is allowed. For orders see our judgment passed on separate sheets of paper.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b> <i>DDS</i></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p>



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

**T.A. No. 96 of 2011**

**Darban Singh Bisht**  
**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><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Judgment pronounced today in open Court. T.A. No. 96 of 2011, Darban Singh Bisht vs. Union of India &amp; others is allowed. For orders see our judgment passed on separate sheets of paper.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b> <i>Sry</i></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p>

*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**  
**O.A. No. 153 of 2010 with M.A. No. 478 of 2016**

**Ramesh 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><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Vivek Kumar &amp; Shri Swapnil Bisht, learned counsel for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p><b><u>M.A. No. 478 of 2016</u></b></p> <p>Amendment application filed by the learned counsel for the applicant is taken on record.</p> <p>Learned counsel for the applicant has submitted that by the way of amendment he also wants to challenge the impugned order dated 16.12.2006 passed in the first appeal, rejecting the claim of the applicant for grant of disability pension. He further submits that he does not intend to press the instant amendment application, Misc. Application No. 478 of 2016 and prays for its dismissal with liberty to file a fresh amendment application in proper format.</p> <p>Thus, the instant amendment application is rejected with liberty to file a fresh amendment application, within two weeks. Objection, if any, may be filed within two weeks, thereafter.</p> <p>List on <b>25.04.2016</b> for orders, at Circuit Bench, Lucknow.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 245 of 2014**

**Bhag Bahadur Tamang**  
**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><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted permission to file counter affidavit during the course of day.</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 on <b>28.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**Dy. No. 943 of 2015**

**Dan Singh Mehra**  
**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><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Kishore Rai, Advocate, holding brief of Shri I.D. Paliwal, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p>Defects, as pointed out by the office vide its report dated 08.06.2015, have been removed by the learned counsel for the applicant.</p> <p><b><u>Misc. Application No.870 of 2015</u></b></p> <p>Learned counsel for the respondents does not intend to file any objection vis-à-vis the application for condonation of delay.</p> <p>Heard learned counsel for the parties on application for condonation of delay.</p> <p>Learned counsel for the respondents submits that in the instant case there is delay of 08 months and 22 days in filing the instant O.A. On the other hand, learned counsel for the applicant submits that the instant application has been filed for grant of disability pension, which is continuing cause of action, and it being neither intentional nor deliberate, the same deserves to be condoned.</p> <p>The reason shown seems to be genuine. The application is allowed and the delay in filing the Original application is allowed.</p> <p>M.A. No. 870 of 2015 stands disposed of accordingly. Let the case be registered as O.A. Put up this case again at 12.15 P.M. for admission.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**  
**O.A. No. 76 of 2016**

**Dan Singh Mehra**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Kishore Rai, Advocate, holding brief of Shri I.D. Paliwal, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on admission.</p> <p>At this stage, learned counsel for the applicant confines his prayer only to the extent that if the applicant prefers appeal against the rejection order for grant of disability pension, the same may be decided by the competent authority, within a stipulated period.</p> <p>Learned counsel for the respondents has no objection to the aforesaid relief being granted.</p> <p>Thus, without entering into merits of the case, we dispose of the instant Original Application, at the admission stage itself, with the direction that if the Applicant prefers appeal against the rejection order for grant of disability pension, communicated vide order dated 08.02.2014 (Annexure No. 7 to O.A.), within six weeks from today, the respondent concerned/competent authority shall decide the appeal of the applicant, within four months from the date of its filing, with reasoned and speaking order, keeping in view the decisions of Hon'ble Apex Court in the case of <b>Dharmvir Singh vs. Union of India and others</b>, reported in (2013) 7 SCC 316 and <b>Sukhvinder Singh vs. Union of India and others</b>, reported in (2014) STPL (WEB) 468 SC.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 243 of 2014**

**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><b><u>03.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri C.S. Rawt, learned counsel for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p style="text-align: center;"><b><u>Misc. Application No. of 2016</u></b></p> <p style="text-align: center;">Counter affidavit filed on behalf of the respondents is taken on record. M.A. aforesaid disposed of accordingly.</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 on <b>26.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**M.A. No. 854 of 2015**

**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Lalit Sharma on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri K.K. Verma, learned counsel for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file objection against the application for condonation of delay.</p> <p>List on <b>27.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 285 of 2012**

**Rakesh Kumar Maikhuri**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri H.S. Rawal, learned counsel for the respondents.</p> <p>Shri K.K. Mishra, learned counsel for the applicant has filed an application seeking adjournment on personal ground, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>Let the Tribunal' order dated 12.02.2015 be complied with by the applicant as well as by the respondents by or before the date fixed.</p> <p>List on <b>27.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>



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

**O.A. No. 107 of 2014**

**Kishan Singh Lingwal**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri N.K. Papnoi, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted further four weeks' time to file rejoinder affidavit.</p> <p>List on <b>28.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 186 of 2014 with M.A. No. 1494 of 2015**

**Suresh Singh Mehra**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Ms. Gaura Devi Dev, learned counsel for the applicant and Ms. Mamta Bisht, learned counsel for the respondents.</p> <p><b><u>Misc. Application No.1494 of 2015</u></b></p> <p>Counter affidavit filed on behalf of the respondent Nos. 1 and 2 is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Learned counsel for the respondents has submitted that sanction for payment of LTA in respect of nominated heir of Trilok Singh PPO/S/54788/1978, has been accorded for waiving the delay in claiming the arrear of pension/Life Time Arrear within the stipulated period from 01.07.1986 to 22.03.2004 and payment authority letter No. AT/PSB/II/AC/15 dated 01.07.2015 has been issued. It has been further submitted that the copy of the said letter has been sent to the concerned PDA for necessary action as well as to the applicant for intimation. Photostat copy of the said letter has been annexed to the counter affidavit.</p> <p>The applicant had filed the instant O.A. for payment of pension arrears to the applicant with all benefits from 03.11.1983 to 2004 sanctioned by the Government from time to time.</p> <p>Learned counsel for the applicant has also confirmed that the relief sought for by the applicant in the instant O.A. has been completely resolved and nothing is left for adjudication.</p> <p>In view of above, the instant Original Application is disposed of.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 245 of 2014**

**Bhag Bahadur Tamang**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Rajiv Pandey on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>On the joint request, list this case on <b>03.03.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 246 of 2014**

**Smt. Padma 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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Ms. Janki Surya, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</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 within two weeks thereafter.</p> <p>List this case on <b>29.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</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**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Anurag Mishra on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri P.S. Bohara, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p>List on <b>29.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 31 of 2015**

**Smt. Leela 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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Yogesh Pacholia on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri T.C. Pandey, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</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 within four weeks thereafter.</p> <p>List on <b>29.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 97 of 2015**

**Deb 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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Sanjay Bhatt on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D. S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</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 within four weeks thereafter.</p> <p>List on <b>27.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 98 of 2015**

**Deb 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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Sanjay Bhatt on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D. s. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</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 within four weeks thereafter.</p> <p>List on <b>27.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>



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

**Dy. No. 944 of 2015**

**Sanjeev Raturi**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Kishore Rai, Advocate holding brief of Shri I.D. Paliwal, learned counsel for the applicant and Ms. Mamta Bisht, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted further two weeks' time to remove the defects as pointed out by the office.</p> <p>List on <b>25.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 178 of 2014**

**Heera Ballabh**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Judgment pronounced today in open Court. O.A. No. 178 of 2014, Heera Ballabh vs. Union of India &amp; others is allowed. For orders see our judgment passed on separate sheets of paper.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Yogesh Pacholia on behalf of the respondents is taken on record. The office is directed to show his name as counsel for the respondents, on the next date.</p> <p>Present : Shri S.S. Yadav, learned counsel for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection against the application for condonation of delay.</p> <p>List on <b>28.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**M.A. No. 477 of 2016**

**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p style="text-align: center;">Memo of appearance filed today in court by Shri Sanjay Bhatt on behalf of the respondents is taken on record. The office is directed to show his name as counsel for the respondents, on the next date.</p> <p style="text-align: center;">Present : Shri S.S. Yadav, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted six weeks' time to file objection against the application for condonation of delay.</p> <p style="text-align: center;">List on <b>28.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**M.A. No. 479 of 2016**

**Mahesha Nand**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show his name as counsel for the respondents, on the next date.</p> <p>Present : Shri Kishore Rai, learned counsel for the applicant and Ms. Mamta Bisht, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection against the application for condonation of delay.</p> <p>List on <b>28.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align:center"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align:right"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**M.A. No. 1752 of 2014**

**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Pankaj Negi, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on admission. It is a fit case for adjudication.</p> <p>Admit.</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 within two weeks' thereafter.</p> <p>List on <b>28.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**Dy. No. 943 of 2015**

**Dan Singh Mehra**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri Kishore Rai, Advocate, holding brief of Shri I.D. Paliwal, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted one day's time to remove the defects as pointed by the office</p> <p style="text-align: center;">List on <b>03.03.2016</b> for orders, at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**M.A. No. 1638 of 2014**

**Kamal Singh Thapa**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri T.C. Pandey, learned counsel for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on admission. It is a fit case for adjudication.</p> <p>Admit.</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 within two weeks' thereafter.</p> <p>List on <b>29.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>



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

**O.A. No. 243 of 2014**

**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted permission to file counter affidavit during the course of the day.</p> <p style="text-align: center;">List tomorrow for orders.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 38 of 2014**

**Dhyan Singh Kaira**  
**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><b><u>02.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri M.S. Chauhan, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**M.A. No. 1431 of 2014 with M.A. No. 1432 of 2014**

**Balam Ram**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>01.03.2016</b></u>  <u><b>Hon'ble Mr. Justice V.K. Dixit, Member (J)</b></u>  <u><b>Hon'ble Lt Gen Gyan Bhushan, Member (A)</b></u></p> <p>Memo of appearance filed today in court by Shri Lalit Sharma on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Mukesh Singh, Advocate, holding brief of Shri H.S. Sharma, learned counsel for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file objection against the application for condonation of delay as well as on substitution application.</p> <p>List on <b>26.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b> <i>Sry</i></p> <p><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p>

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

M.A. No. 1638 of 2014

**Kamal Singh Thapa**  
**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><b><u>01.03.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Yogesh Pacholia on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri T.C. Pandey, learned counsel for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p>From perusal of record it transpires that case was filed on 18.11.2014 and since then several opportunities have been availed on behalf of the respondents for filing objection on the application for condonation of delay, but no objection could be filed as of now.</p> <p><b><u>Misc. Application No. 1638 of 2014</u></b></p> <p>Heard Ld. Counsel for the parties on application for condonation of delay.</p> <p>Ld. Counsel for the respondents submits that there is delay of 05 years, 09 months and 22 days in filing this O.A.</p> <p>On the other hand Ld. Counsel for the applicant has submitted that this Original Application has been filed for grant of Disability Pension. He further submits that the applicant was superannuated on 31.05.2006 with 30% disability, but disability pension was denied and his appeal too was rejected on 10.03.2008, and thereafter, the applicant filed second appeal and awaited for its result and when nothing was heard by him, he filed Original Application No. 541 of 2010 before the Hon'ble Armed Forces Tribunal, Principal Bench, New Delhi, which was subsequently dismissed as withdrawn vide order dated 31.05.2011. Thereafter, the applicant approached this Bench of the Tribunal.. Learned counsel for the applicant has further submitted that it is established position of law that pension matter is a continuing wrong and is a recurring cause of action and therefore, is not barred by limitation. Delay in filing of this Original Application is neither deliberate nor intentional, but circumstantial.</p> <p>Ld. Counsel for the applicant has also submitted that in view of the law laid down by Hon'ble The Apex Court in catena of cases in which it was observed that regarding the claim of pension/disability pension, the bar of limitation would not apply, as in case of pension the cause of action actually continues from month to month.</p> <p>In support of his argument, Ld. Counsel for the applicant has cited the law laid down by Hon'ble The Apex Court in the case of <b>Balkrishna S.P. Waghmare Vs Shree Dhyaneshwar Maharaj Sansthan (AIR 1959 SC 798). M.R. Gupta Vs Union of India 1995 (5) SCC 628) and Shiv Das Vs Union of India reported in 2007(3) SLR Page 445.</b></p>

We have considered the respective argument of Ld. Counsel for both the parties and gone through the documents available on record.

The ground of delay and laches is not a rule of law but it is a rule of prudence which may not be used to defeat the substantial ends of justice.

In the case of **Shiv Dass Vs Union of India reported in 2007 (3) SLR page 445 (Supra)** in para 9 of the judgment, Hon'ble The Apex Court has observed:

*“In the case of the pension the cause of action actually continues from month. That however, cannot be a ground to overlook delay in filing the pension. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits, it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.”*

The reasons shown in the accompanying affidavit filed in support of the application for condonation of delay seem to be genuine. Looking into the facts and circumstances and also into the merit of the case, in the interest of justice and in view of the law laid down by Hon'ble Apex Court in the case of **Shiv Dass (supra)**, we are of the opinion that the delay in filing of the Original Application has been satisfactorily explained by the Applicant who is an aged soldier.

Thus in view of the above, the application for condonation of delay is **allowed** and the delay in filing of original application is **condoned**. The objection raised by the respondents is rejected.

M.A. No.1638 of 2014 is disposed of accordingly. Let the case be registered as O.A. and list on **02.03.2016** for admission.

(Lt Gen Gyan Bhushan)  
Member (A)

(Justice V.K. DIXIT)  
Member (J)

Sry

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

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

**M.A. No. 276 of 2015**

**Smt. Jayanti 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 data-bbox="393 309 540 344"><b><u>01.03.2016</u></b></p> <p data-bbox="393 346 992 381"><b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b></p> <p data-bbox="393 384 1003 419"><b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p data-bbox="393 478 1469 693">Memo of appearance filed today in court by Shri Sanjay Bhatt on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p data-bbox="393 720 1469 873">Vakalatnama filed by Shri Sharad Chandra Shah on behalf of respondent No. 4, State Bank of India, Branch Ramnagar, District Nainital through its Branch Manager, is taken on record.</p> <p data-bbox="393 900 1469 1053">Present : Shri K.K. Singh Bisht, Advocate, holding brief of Shri Rohit Karki, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p data-bbox="393 1080 1469 1349">From perusal of record it transpires that on 08.12.2015, notice issued to Respondent No. 5 by registered post but has not been received back served or un-served. Let fresh notices be issued to Respondent Nos. 5 by registered post. In the meantime, office is also directed to enquire from the Post Office concerned with regard to service of notice on respondent No. 4.</p> <p data-bbox="462 1376 1307 1411">List on <b>26.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p data-bbox="393 1438 1469 1537">Objection vis-a-vis the application for condonation of delay may be filed by the respondents by the date fixed.</p> <p data-bbox="425 1671 760 1741"><b>(Lt Gen Gyan Bhushan)</b> Member (A)</p> <p data-bbox="993 1671 1279 1741"><b>(Justice V.K. DIXIT)</b> Member (J)</p> <p data-bbox="393 1741 441 1768"><i>Sry</i></p>

***Form No. 4***

**{See rule 11(1)}**

**ORDER SHEET**

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

**M.A. No. 1822 of 2015 with M.A. No. 1823 of 2015 Inre T.A. No. 158 of 2010**  
**Prem Singh**  
**By Legal Practitioner for Applicant**

**Versus**

**Applicant**  
**Respondents**

**Union of India & Others**

**By Legal Practitioner for Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri BPS Chauhan, as counsel for the respondents, on the next date.</p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Ms. Mamta Bisht, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file objection against the application for condonation of delay.</p> <p>List on <b>27.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 44 of 2010**

**Paras Nath Pandey**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

**Union of India & Others**

**Respondents**

**By Legal Practitioner for Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Lalit Sharma on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p>From perusal of record, it transpires that the case has wrongly been listed for orders. The case is ripe for hearing.</p> <p>List on <b>27.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original record pertaining to the case for perusal for perusal of the Bench.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**O.A. No. 153 of 2010**

**Ramesh Chandra**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**



Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Yogesh Pacholia on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p>Shri K.K. Singh Bisht submits that he is not counsel in the instant case and his name has wrongly been shown as counsel for the applicant. The office is directed not to show his name as counsel for the applicant in future.</p> <p>From perusal of record it transpires that Shri Vivek Kumar and Shri Swapnil Bisht are the counsel for the applicant in the instant case.</p> <p>List on <b>03.03.2016</b> for orders.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

*Form No. 4*  
{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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Rajiv Pandey on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for adjournment on the ground that he is not prepared with the case, to which the learned counsel for the applicant has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>26.04.2016</b> for hearing, at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

*Form No. 4*

{See rule 11(1)}

**ORDER SHEET**

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

**O.A. No. 140 of 2013**

**Jagdish Chandra Mishra**

**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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Sanjay Bhatt on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri K.K. Singh Bisht, Advocate, holding brief of Ms. Pushpila Bisht, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p>Shri K.K. Singh Bisht prays for adjournment on the ground that Ms. Pushpila Bisht has not reached Nainital, today to attend the court, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>26.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

*Form No. 4*

{See rule 11(1)}

**ORDER SHEET**

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

**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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri G.D. Joshi, learned counsel for the applicant and Ms. Mamta Bisht, learned counsel for the respondents.</p> <p><b><u>M.A. No. 468 of 2016</u></b></p> <p>Amendment application filed on behalf of the applicant is taken on record.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection vis-a-vis the amendment application.</p> <p>From perusal of record it transpires that notice issued to respondent No. 7 has been served upon him, but the notice issued to respondent No. 6 has not received back served or un-served. Registry is directed to issue fresh notice to respondent No. 6 by registered post.</p> <p>List on <b>26.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice V.K. DIXIT) Member (J)</p> <p>Sry</p>

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

O.A. No. 137 of 2014

Sunder 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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Lalit Sharma on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p>Rejoinder affidavit filed by the learned counsel for the applicant is taken on record.</p> <p>Pleadings are complete. The case is ripe for hearing.</p> <p>List on <b>25.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original record pertaining to the case for perusal of the Bench.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Yogesh pacholia on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri Kishore Rai, learned counsel for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>27.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice V.K. DIXIT) Member (J)</p> <p><i>Sry</i></p>

*Form No. 4*

{See rule 11(1)}

ORDER SHEET

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

O.A. No. 243 of 2014

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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Lalit Sharma on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p>From perusal of record it transpires that the instant case has yet not been admitted.</p> <p>Heard learned counsel for the parties on admission. It is a fit case for adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted time to file counter affidavit by tomorrow.</p> <p>List tomorrow for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice V.K. DIXIT) Member (J)</p> <p><i>Sry</i></p>

(REGIONAL BENCH, LUCKNOW)

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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p><b><u>M.A. No. 469 of 2016</u></b></p> <p>Rejoinder affidavit filed on behalf of the applicant is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Pleadings are complete. The case is ripe for hearing.</p> <p>List on <b>25.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original record pertaining to the case for perusal of the Bench.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>



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

**T.A. No. 1 of 2011**

**Smt. Bimla 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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Anurag Mishra, on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri M.S. Chauhan, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p><b><u>M.A. No. 473 of 2016</u></b></p> <p>Amendment application as well as supplementary affidavit filed on behalf of the applicant is taken on record.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection vis-a-vis the amendment application as well as reply, if any, to the supplementary affidavit.</p> <p>List on <b>27.04.2016</b> for orders, at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

R.A. No. 27 of 2013 Inre O.A. No. 10 of 2011

**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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Ms. Mamta Bisht, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for adjournment on personal ground, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>27.04.2016</b> for hearing, at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

T.A. No. 4 of 2010

**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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Rajiv Pandey on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Kishore Kumar, Advocate, holding brief of Shri M.C. Pant, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>From perusal of record, it transpires that the case has wrongly been listed for hearing.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on amendment application.</p> <p>List on <b>27.04.2016</b> for orders, at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**T.A. No. 96 of 2011**

**Darban Singh Bisht**  
**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><b><u>01.03.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri Devendra Singh Bohra, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**M.A. No. 14 of 2016 Inre M.A. No. 1842 of 2014**

**Rajesh Kumar Awasthi**  
**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><b><u>24.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri P.N. Chaturvedi, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p><b><u>M.A. No. 14 of 2016</u></b></p> <p>From perusal of record, it transpires that on 08.02.2016 Misc. Application Nos. 13 and 14 of 2016 were allowed. The Misc. Application No. 14 of 2016 was allowed with the note that “the order dated 22.05.2014 is recalled provided the applicant deposits a sum of Rs.1000/- as cost within seven days in the account of Armed Forces Tribunal Bar Association Library, for purchase of books.” The order for dismissal of Misc. Application No.1842 of 2014 for non-compliance of part of the order dated 19.12.2014 and the orders passed thereafter, was passed on 22.05.2015, while the heading of Misc. Application No. 14 of 2016 contains “Recall of the order dated 20.05.2014”, whereas in its body the date of the said order has been mentioned as “22.05.2015” and the affidavit filed in its support mentions the recall of order dated “22.05.2014”. Thus, on the face of record no order was passed either on 20.05.2014 or on 22.05.2014, for recall of which the applicant has moved Misc. Application No.14 of 2016 and for restoration of Misc. Application No. 1842 of 2014. The recall application needs correction.</p> <p>In view of above, the order dated 08.02.2016 passed on Misc. Application No. 14 of 2016 is hereby recalled.</p> <p>At this stage, learned counsel for the applicant submits that he does not intend to press the Misc. Application No.14 of 2016 and prays for its dismissal with liberty to file a fresh application for recall of order dated 22.05.2015 and restoration of Misc. Application No.1842 of 2014.</p>

	<p>Accordingly, Misc. Application No. 14 of 2016 is dismissed as not pressed with liberty to the applicant to file a fresh application for recall of order dated 22.05.2015 and restoration of Misc. Application No.1842 of 2014. The applicant shall be at liberty to withdraw the amount of Rs.1000/- deposited with the Armed Forces Tribunal Bar Association Library, for purchase of books, in compliance of order dated 08.02.2016 passed on Misc. Application No.14 of 2016.</p>
	<p><b>(Lt Gen Gyan Bhushan)</b> Member (A)</p>
	<p><b>(Justice V.K. DIXIT)</b> Member (J)</p>
	<p><i>Sry</i></p>

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

**O.A. No. 179 of 2014 with M.A. No. 217 of 2014**

**Deepak Badakoti**

**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

**Union of India & Others**

**By Legal Practitioner for Respondents**

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Lalit Sharma on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for adjournment on personal ground, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>26.04.2016</b> for orders at Circuit Bench, Nainital.</p>

	<p><b>(Lt Gen Gyan Bhushan)</b> Member (A) <i>Sry</i></p>	<p><b>(Justice V.K. DIXIT)</b> Member (J)</p>
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*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**Dy No. 943 of 2015**

**Dan Singh Mehra**  
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><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Sanjay Bhatt on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri Kishore Rai, Advocate, holding brief of Shri I.D. Paliwal, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted two days' time to remove the defects as pointed out by the office.</p> <p>List on <b>02.03.2016</b> for orders at Circuit Bench Nainital.</p>

	<p>(Lt Gen Gyan Bhushan) Member (A)</p> <p><i>Sry</i></p>	<p>(Justice V.K. DIXIT) Member (J)</p>
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**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

M.A. No. 1752 of 2014

**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><b><u>29.02.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri Pankaj Negi, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents, assisted by Lt. R.D. Sneha, Departmental Representative</p> <p><b><u>Misc. Application No. 1752 of 2014</u></b></p> <p>Heard Ld. Counsel for the parties on application for condonation of delay.</p> <p>Ld. Counsel for the respondents submits that there is delay of 17 years, 05 months and 04 days in filing this O.A.</p> <p>On the other hand Ld. Counsel for the applicant has submitted that this Original Application has been filed for grant of Disability Pension. He further</p>



submits that the applicant was invalided out of service with 75% disability, but disability pension was denied on the ground that it was neither attributable to nor aggravated by military service and his appeal too was rejected on 27.12.1996. In May, 2014, the applicant met his counsel in a marriage party, there he was informed about the decisions of Hon'ble Apex Court and the Armed Forces Tribunal in the matter of grant of disability pension, then he preferred the instant O.A. Learned counsel for the applicant has further submitted that it is established position of law that pension matter is a continuing wrong and is a recurring cause of action and therefore, is not barred by limitation. Delay in filing of this Original Application is neither deliberate nor intentional, but circumstantial.

Ld. Counsel for the applicant also submitted that in view of the law laid down by Hon'ble The Apex Court in catena of cases in which it was observed regarding the claim of pension/disability pension that the bar of limitation would not apply, as in case of pension the cause of action actually continues from month to month.

In support of his argument, Ld. Counsel for the applicant has cited the law laid down by Hon'ble The Apex Court in the case of **Balkrishna S.P. Waghmare Vs Shree Dhyaneshwar Maharaj Sansthan (AIR 1959 SC 798)**, **M.R. Gupta Vs Union of India 1995 (5) SCC 628** and **Shiv Das Vs Union of India reported in 2007(3) SLR Page 445**.

We have considered the respective argument of Ld. Counsel for both the parties and gone through the documents available on record.

The ground of delay and latches is not a rule of law but it is a rule of prudence which may not be used to defeat the substantial ends of justice.

In the case of **Shiv Dass Vs Union of India reported in 2007 (3) SLR page 445 (Supra)** in para 9 of the judgment, Hon'ble The Apex Court has observed:

*“In the case of the pension the cause of action actually continues from month. That however, cannot be a ground to overlook delay in filing the pension. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits, it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.”*

The reasons shown in the accompanying affidavit filed in support of the application for condonation of delay seem to be genuine. Looking into the facts and circumstances and also into the merit of the case, in the interest of justice and in view of the law laid down by Hon'ble Apex Court in the case of **Shiv Dass (supra)**, we are of the opinion that the delay in filing of the Original Application has been satisfactorily explained by the Applicant who is an aged soldier.

Thus in view of the above, the application for condonation of delay is **allowed**

	<p>and the delay in filing of original application is <b>condoned</b>. The objection raised by the respondents is rejected.</p> <p>M.A. No.1752 of 2014 is disposed of accordingly. Let the case be registered as O.A. and list on <b>02.03.2016</b> for admission.</p> <p style="text-align: center;"> <b>(Lt Gen Gyan Bhushan)</b>  <b>Member (A)</b>  <i>Sry</i> </p> <p style="text-align: center;"> <b>(Justice V.K. DIXIT)</b>  <b>Member (J)</b> </p>
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**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**M.A. No. 1245 of 2015**

**Smt. Tulsi Devi**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show her name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Ms. Mamta Bisht, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file objection on the application for condonation of delay.</p> <p>List on <b>25.04.2016</b> for orders at Circuit Bench, Nainital</p>

	<p><b>(Lt Gen Gyan Bhushan)</b> Member (A)</p> <p><i>Sry</i></p>	<p><b>(Justice V.K. DIXIT)</b> Member (J)</p>
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*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 144 of 2015**

**Rajendra Prasad Tamta**  
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><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Yogesh Pacholia on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri Sachin Mohan Singh Mehta, learned counsel for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p>

	<p>List on <b>25.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p><i>Sry</i></p> <p>(Justice V.K. DIXIT) Member (J)</p>
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**Form No. 4**  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**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><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Rajiv Pandey on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p><b><u>M.A. No. 461 of 2016</u></b></p> <p>Rejoinder affidavit filed by the learned counsel for the applicant is taken on record. M.A. aforesaid is disposed of accordingly.</p>

	<p>Pleadings have been exchanged. The case is ripe for hearing.</p> <p>List on <b>25.04.2016</b> for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original record pertaining to the case for perusal for perusal of the Bench.</p> <p style="text-align: center;"> <b>(Lt Gen Gyan Bhushan)</b>  <b>Member (A)</b> </p> <p style="text-align: center;"> <b>(Justice V.K. DIXIT)</b>  <b>Member (J)</b> </p> <p><i>Sry</i></p>
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***Form No. 4***  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 149 of 2015**

**Smt. Nandi Bisht**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Rajiv Pandey on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri C.S. Rawat, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted further four weeks' time to file rejoinder affidavit.</p>

	<p>List on <b>25.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p><i>Sry</i></p> <p>(Justice V.K. DIXIT) Member (J)</p>
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*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

T.A. No. 9 of 2011

**Sohan Singh Bisht**  
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><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Lalit Sharma on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : None for the applicant and Shri Lalit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file objection on substitution application.</p>

	<p>List on <b>25.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A) <i>Sry</i></p> <p>(Justice V.K. DIXIT) Member (J)</p>
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*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**T.A. No. 62 of 2013**

**Shiv Bahadur**  
**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><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Sanjay Bhatt on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : None for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p>From perusal of record it transpires that the notice sent to the applicant has been received back with the remark 'served'.</p>

	<p>The instant case was received by transfer from Hon'ble High Court of Uttarakhand, Nainital on 11.07.2013. Since then several times notices were sent to the applicant but he did not turn up.</p> <p>In the interest of justice, one more opportunity be given to the applicant by sending a fresh notice. Registry is directed to send a notice to the applicant by registered post.</p> <p>List on <b>25.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> Member (J)</p> <p><i>Sry</i></p>
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*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**T.A. No. 31 of 2014**

**Dharam Chand**  
By Legal Practitioner for Applicant

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Yogesh Pacholia on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : None for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p>From perusal of record it transpires that notice has not been served on</p>



	<p>the applicant</p> <p>In the interest of justice, let a fresh notice be again sent to the applicant by registered post. In the meantime, learned counsel for the respondents shall also furnish the latest address of the applicant.</p> <p>List on <b>25.04.2016</b> for orders at Circuit Bench, Nainital.</p> <p style="text-align: center;"> <b>(Lt Gen Gyan Bhushan)</b>  <b>Member (A)</b> </p> <p style="text-align: center;"> <b>(Justice V.K. DIXIT)</b>  <b>Member (J)</b> </p> <p><i>Sry</i></p>
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***Form No. 4***  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 255 of 2010**

**Dinesh Singh Sajwan**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show her name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri Mukesh Singh, Advocate, holding brief of Shri H.S. Sharma, learned counsel for the applicant and Ms. Mamta Bisht, learned</p>

	<p>counsel for the respondents.</p> <p>Learned counsel for the applicant prays for adjournment on the ground that the mother of learned counsel for the applicant is seriously ill, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>25.04.2016</b> for hearing, at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>
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*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 37 of 2011**

**Narayan Singh**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Lalit Sharma on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Shri</p>

	<p>Lalit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for adjournment on personal ground, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>26.04.2016</b> for hearing, at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>
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***Form No. 4***  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 181 of 2011**

**Virendra Singh**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Anurag Mishra on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p>

	<p>Present : None for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>None has appeared on behalf of the applicant even in the second round after having been passed over in the first round.</p> <p>O.A. No. 181 of 2011 is dismissed for non-prosecution.</p> <p style="text-align: center;"> <b>(Lt Gen Gyan Bhushan)</b>  <b>Member (A)</b>  <i>Sry</i> </p> <p style="text-align: center;"> <b>(Justice V.K. DIXIT)</b>  <b>Member (J)</b> </p>
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***Form No. 4***  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 64 of 2013**

**Chandra Ballabh Bhatt**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

**Chief of Naval Staff & Others**  
**By Legal Practitioner for Respondents**

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Bhanu Pratap Singh, on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Ishraq Frooqui and Shri Devendra Kumar, as counsel for the respondents, on the next date.</p>

	<p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Learned counsel for the applicant has informed that the applicant Chandra Ballabh Bhatt has died. He prays for and is granted eight weeks' time to file substitution application.</p> <p>List on <b>26.04.2016</b> for orders, at Circuit Bench, Nainital.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> Member (J)</p> <p><i>Sry</i></p>
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*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 38 of 2014**

**Dhyan Singh Kaira**  
By Legal Practitioner for Applicant

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Sanjay Bhatt on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p>

	<p>Present : Shri M.S. Chauhan, learned counsel for the applicant and Shri Sanjay Bhatt, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for adjournment on the ground that he is not prepared with the case, today, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>02.03.2016</b> for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original record pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p><i>Sry</i></p>
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*Form No. 4*  
{See rule 11(1)}  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 178 of 2014**

**Heera Ballabh**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.02.2016</u></b> <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents.</p>

	<p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>It has been pointed out that the Original Application was filed by the applicant describing himself without mentioning his name. Learned counsel for the applicant prays for and is granted permission to write the name of the applicant in the memo of Original Application.</p> <p>Heard learned counsel for the parties.</p> <p>Argument concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice V.K. DIXIT) Member (J)</p> <p><i>Sry</i></p>
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**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, CIRCUIT BENCH NAINITAL**  
**(REGIONAL BENCH, LUCKNOW)**

**O.A. No. 147 of 2015**

**Jagat Singh**  
**By Legal Practitioner for Applicant**

**Applicant**

**Versus**

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
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**29.02.2016**

**Hon'ble Mr. Justice V.K. Dixit, Member (J)**

**Hon'ble Lt Gen Gyan Bhushan, Member (A)**

Memo of appearance filed today in court by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.

Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.

Learned counsel for the applicant prays for adjournment on personal ground, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.

List on **26.04.2016** for hearing, at Circuit Bench, Nainital.

On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.

**(Lt Gen Gyan Bhushan)**  
**Member (A)**

**(Justice V.K. DIXIT)**  
**Member (J)**

*Sry*

*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 with M.A. No.2233 of 2015**

**Manoj 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><b><u>29.02.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Ms. Mamta Bisht on behalf of the respondents is taken on record. The office is directed to show her name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri Lalit Kumar, learned counsel for the applicant and Shri Mamta Bisht, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for adjournment on personal ground, to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>26.04.2016</b> for hearing, at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p><b>(Lt Gen Gyan Bhushan)</b>  <b>Member (A)</b></p> <p><b>(Justice V.K. DIXIT)</b>  <b>Member (J)</b></p> <p><i>Sry</i></p>

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

**T.A. No. 1364 of 2010**

**Mohan 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><b><u>29.02.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed today in court by Shri Yogesh Pacholia on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri Devendra Kumar, as counsel for the respondents, on the next date.</p> <p>Present : Shri V.P. Pandey, learned counsel for the applicant and Shri Yogesh Pacholia, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for adjournment on the ground that he is not prepared with the brief, to which the learned counsel for the applicant has no objection. In the interest of justice the case is adjourned.</p> <p>List on <b>27.04.2016</b> for hearing, at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"> <span data-bbox="428 1354 786 1430"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></span> <span data-bbox="1045 1354 1354 1430"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></span> </p> <p><i>Sry</i></p>

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

**T.A. No. 96 of 2011**

**Darban Singh Bisht**  
**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><b><u>29.02.2016</u></b>  <b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b>  <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Vakalatnama filed today in court by Shri Devendra Singh Bohra on behalf of the applicant is taken on record.</p> <p>Memo of appearance filed today in court by Shri Anurag Mishra on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri B.P.S. Chauhan and Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p>Present : Shri Devendra Singh Bohra, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for adjournment on the ground that he is not prepared with the case, today to which the learned counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List on <b>01.03.2016</b> for hearing at Circuit Bench, Nainital.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original record pertaining to the case for perusal for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice V.K. DIXIT) Member (J)</p> <p><i>Sry</i></p>

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

**T.A. No. 8 of 2012**

**Prakash 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 data-bbox="391 276 553 311"><b><u>29.02.2016</u></b></p> <p data-bbox="391 317 1040 352"><b><u>Hon'ble Mr. Justice V.K. Dixit, Member (J)</u></b></p> <p data-bbox="391 357 1057 392"><b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p data-bbox="391 459 1463 674">Memo of appearance filed today in court by Shri Anurag Mishra on behalf of the respondents is taken on record. The office is directed to show his name, in place of Shri D.S. Tiwari, as counsel for the respondents, on the next date.</p> <p data-bbox="391 693 1463 795">Present : None for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p data-bbox="391 814 1463 916">None has appeared on behalf of the applicant even in the second round after having been passed over in the first round.</p> <p data-bbox="461 935 1195 970">T.A. No. 8 of 2012 is dismissed for non-prosecution.</p> <p data-bbox="428 1112 786 1190"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p data-bbox="1040 1112 1357 1190"><b>(Justice V.K. DIXIT)</b> <b>Member (J)</b></p> <p data-bbox="391 1198 444 1233"><i>Sry</i></p>