

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>29.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>No one appears on behalf of the applicant.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file counter affidavit.</p> <p>List this case for orders on 9.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>29.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri P.S. Bohara, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;">On call of the case learned counsel for the applicant states that rejoinder affidavit is ready and will be filed before the Registry during the course of the day.</p> <p style="text-align: center;">Since the matter pertains to family pension and counter & rejoinder affidavits have been exchanged, the office is directed to list this case for hearing on 9.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>29.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri T.C. Pandey, learned counsel for the applicant, and Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he has received copy of the counter affidavit today. He, therefore, prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p>Since the matter relates to family pension, it seems that record will be necessary. The respondents are directed to produce the record on the next date.</p> <p>List this case for orders on 9.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

O.A. No. 88 of 2016

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><u>29.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Shri Rajiv Pandey on behalf of the respondents is taken on record. When the case is next listed his name be shown as counsel for the respondents.</p> <p style="text-align: justify;">Present: Shri T.C. Pandey, learned counsel for the applicant, and Shri Rajiv Pandey, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: justify;">On call of the case learned counsel for the respondents prays for and is granted further four weeks' time and no more to file counter affidavit.</p> <p style="text-align: justify;">The matter relates to disability pension.</p> <p style="text-align: justify;">List this case for orders on 9.9.2016 before the Circuit Bench at Nainital</p> <p style="text-align: justify;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: justify;">(Justice Abdul Mateen) Member (J)</p> <p>PG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

O.A. No. 378 of 2011

Mohan 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><u>29.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Shri Namit Sharma, Advocate, files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, name of Shri Namit Sharma be shown as counsel for the respondents.</p> <p style="text-align: center;">Present: Shri Namit Sharma, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p style="text-align: center;">Case called out. No one is present for the applicant nor is there any request to adjourn or pass over the case. However, since the matter pertains to disability pension, we restrain ourselves from passing orders dismissing the petition in default.</p> <p style="text-align: center;">Let this case be listed for hearing on 8.9.2016 before the Circuit Bench of this Court at Nainital. On the next date, the record pertaining to this case shall be produced by the respondents for perusal of the Court.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

T.A. No. 35 of 2012

Prem Ballabh & 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><u>29.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: justify;">Shri Rajiv Pandey, Advocate, files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, name of Shri Rajiv Pandey be shown as counsel for the respondents.</p> <p style="text-align: justify;">Present: Shri Rahiv Pandey, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p style="text-align: justify;">Case called out. No one is present for the applicant nor is there any request to adjourn or pass over the case. However, since the matter relates to family pension, we restrain ourselves from passing orders dismissing the petition in default.</p> <p style="text-align: justify;">Let this case be listed for hearing on 8.9.2016 before the Circuit Bench of this Court at Nainital. On the next date, the record pertaining to this case shall be produced by the respondents for perusal of the Court.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

M.A. No. 983 of 2016
(Inre : O.A. No. Nil of 2016)

Ex Nk Naval Kishor Bhatt
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Shri Namit Sharma, Advocate files memo of appearance on behalf of respondents No. 1 and 3, which is taken on record. When the case is next listed, name of Shri Namit Sharma be shown as counsel for respondents No. 1 and 3.</p> <p>Present: Shri Pankaj Negi, learned counsel for the applicant, and Shri Namit Sharma, learned counsel for the respondents No. 1 and 3, along with Lt Col N.K.Rai, Departmental Representative.</p> <p><u>M.A.No. 983 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A, which relates to disability pension, claimed by the applicant. As per office report, there is a delay of 12 years, 1 month and 1 day in filing the O.A.</p> <p>Copy of this application has been served upon the learned Standing Counsel for the respondents on 28.4.2016. Shri Namit Sharma, who has accepted notice on behalf of respondents No. 1 and 3, prays for and is granted six weeks' time to file objection, if any.</p> <p>Let notice be issued to respondent No. 2. The applicant shall take steps within a week.</p> <p>List this case for orders on 9.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

M.A. No. 476 of 2016

Liladhar Bhatt

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri Sanjay Bhatt, learned Standing Counsel, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;">Shri S.S. Yadav, learned counsel for the applicant, is not present in Court.</p> <p style="text-align: center;"><u>Misc. Application No. 476 of 2016.</u></p> <p style="text-align: center;">This is an application for condonation of delay in filing the Original Application. On 2.3.2016 the respondents were granted time to file objection, but no objection has yet been filed. Learned Standing Counsel again prays for and is granted further three weeks' time and no more to file objection.</p> <p style="text-align: center;">List this case for orders on 8.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri Sanjay Bhatt, learned Standing Counsel, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;">Shri S.S. Yadav, learned counsel for the applicant, is not present in Court.</p> <p style="text-align: center;"><u>Misc. Application No. 477 of 2016.</u></p> <p style="text-align: center;">This is an application for condonation of delay in filing the Original Application. On 2.3.2016 the respondents were granted time to file objection, but no objection has yet been filed. Learned Standing Counsel again prays for and is granted further three weeks' time and no more to file objection.</p> <p style="text-align: center;">List this case for orders on 8.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Ms. Anjali Bhargav, learned counsel for the applicant, and Ms. Mamta Bisht, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;"><u>Misc. Application No. 479 of 2016.</u></p> <p>This is an application for condoning the delay in filing the Original Application, copy of which was served on the respondents on 1.3.2016.</p> <p>On 2.3.2016 the respondents were granted time to file objection, but no objection has yet been filed. Learned counsel for the respondents again prays for time to file objection.</p> <p>As per office report there is a delay of 18 years, 5 months and 28 days in filing the O.A.</p> <p>Heard learned counsel for the applicant and have gone through the affidavit filed in support of this delay condonation application. The reason shown for the delay in filing the O.A. seems to be genuine. Accordingly, without granting further time to the respondents to file objection, we condone the delay since the applicant has prayed for disability pension, which is a recurring cause of action. This application, therefore, stands allowed. The office is directed to register the O.A.</p> <p style="text-align: center;"><u>Original Application No. 126 of 2016.</u></p> <p>Heard learned counsel for the parties on admission of this O.A.</p> <p>In this O.A. the applicant has prayed for grant of disability pension. The applicant was enrolled in the Army on 13.2.1980 and has been discharged from service on 28.2.1997 on medical ground.</p> <p>Learned counsel for the applicant submits that the applicant is</p>

getting pension from the date of his discharge but he is not being granted disability pension though the percentage of disability, according to Medical Board, is 20%. It has further been submitted that the appeal preferred by the applicant before the competent authority has been rejected.

From the record it is evident that the respondents have admitted that the disability of the applicant is aggravated by Military service. Accordingly, on this ground alone we **admit** this O.A.

Let counter affidavit be filed within six weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List this case for orders on 8.9.2016 before the Circuit Bench at Nainital.

(Lt Gen A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

PG/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Dr. Aparna Singh holding brief of Shri M.C. Pant, learned counsel for the applicant, and Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that rejoinder affidavit could not filed yet. She prays for and is granted one day's time to file rejoinder affidavit.</p> <p>This case has already been admitted and counter affidavit is on record. Rejoinder affidavit, as stated by learned counsel for the applicant, will be filed by tomorrow. Now the pleadings appear to be complete.</p> <p>List this case for hearing on 7.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

O.A. No. 245 of 2014 with M.A. No. 536 of 2016

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><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Rajiv Pandey, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;"><u>Misc. Application No. 536 of 2016.</u></p> <p>This is an application, filed by the respondents, for taking counter affidavit on record. The counter affidavit is taken on record. The application stands disposed of.</p> <p style="text-align: center;"><u>Misc. Application No. 953 of 2016.</u></p> <p>This is an application, filed by the applicant, for taking rejoinder affidavit on record. The rejoinder affidavit is taken on record. The application stands disposed of.</p> <p>The matter relates to discharge of the applicant from service of which this O.A. has been filed only on 18.11.2014.</p> <p>Since this O.A. has already been admitted and counter and rejoinder affidavits have been exchanged, the office is directed to list this case for hearing on 5.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

O.A. No. 87 of 2016 With M.A. No. 765 of 2016

Diwan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Pankaj Negi, learned counsel for the applicant, and Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p><u>M.A.No. 765 of 2016</u></p> <p>This is an application moved by the applicant, praying therein that instead of this case being heard by the Circuit Bench at Nainital, it may be heard by this Court at Lucknow.</p> <p>For reasons given in para 5 of the affidavit accompanying the application, we allow this application with the direction that this case be transferred to the Armed Forces Tribunal, Regional Bench, Lucknow and be listed there on 10.8.2016 for hearing before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p style="text-align: center;">On call of the case, no one appears for the applicant. The order-sheet reveals that this case is listed for hearing today. The matter pertains to the year 2010. On the last date too, none had appeared for the applicant to argue the case. It appears that the applicant is not interested in pursuing the matter. Accordingly, we dismiss this T.A. for non-prosecution.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

T.A. No. 565 of 2010

Khima Nand

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Shri Rajiv Pandey, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, name of Shri Rajiv Pandey be shown as counsel for the respondents.</p> <p>Present: Shri Rajiv Pandey, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p>On call of the case, although names of Shri H.S.Sharma and Shri Rohit Kumar Gupta are shown in the cause-list as counsel appearing for the applicant, but none is present. Instead Shri Kishore Rai, Advocate appeared. He states that Shri H.S.Sharma, learned counsel for the applicant has asked him to make a request on his behalf for adjournment of this case to some other date, as he is busy in High Court of Uttarakhand. Accordingly, the case is adjourned, as prayed.</p> <p>List this case for hearing on 6.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

T.A. No. 76 of 2011

Smt. Savitri Devi

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Memo of appearance on behalf of the respondents has been filed by Shri Anurag Mishra, Advocate, which is taken on record. When the case is next listed, name of Shri Anurag Mishra be shown as counsel for the respondents.</p> <p>Present: Shri Deep Joshi and Shri P.S.Rawat, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p>Heard Shri Deep Joshi and Shri P.S.Rawat, learned counsel for the applicant, and Shri Anurag Mishra, learned Standing Counsel appearing for the respondents, duly assisted by Lt Col N.K.Rai, Departmental Representative.</p> <p>Arguments concluded.</p> <p>For reasons to follow, the T.A. is allowed.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

M.A. No. 967 of 2016
(Inre: O.A. No. Nil of 2016)

Raghubar Dutt Ray
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondent s

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">This case has come up in the supplementary cause-list.</p> <p style="text-align: center;">Shri Namit Sharma, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, name of Shri Namit Sharma be shown as counsel for the respondents.</p> <p style="text-align: center;">Present: Shri Kishore Rai, learned counsel for the applicant, and Shri Namit Sharma, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p><u>M.A.No. 979 of 2016</u></p> <p style="text-align: center;">This is an application for correction/amendment in the O.A. by means of which the applicant prays for deletion of a line in the prayer clause i.e. "<i>to quash the order dated 26.3.2010</i>", stating that the same has occurred due to inadvertence.</p> <p style="text-align: center;">The application is allowed. Let the necessary correction/amendment be made, as prayed, during the course of the day.</p> <p><u>M.A.No.967 of 2016</u></p> <p style="text-align: center;">This is an application for condonation of delay in filing the O.A, which relates to disability pension having been claimed by the applicant.</p> <p style="text-align: center;">As per office report, there is a delay of 5 years, 7 months and 23 days in filing the O.A. Shri Namit Sharma, learned Standing Counsel appearing for the respondents prays for and is granted three weeks' time to file objection.</p> <p style="text-align: center;">List this case for orders on 8.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Anurag Mishra on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri K.K. Verma, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;"><u>Misc. Application No. 854 of 2015.</u></p> <p>This is an application, filed by the applicant, for condoning the delay in filing the Original Application. The O.A. has been filed by the applicant claiming family pension being the widow of Late Hari Singh Karki, Ex-Signal Man (Army No. 6281492).</p> <p>As per office report there is a delay of 28 years, 2 months and 29 days in filing the O.A.</p> <p>Time was granted to the respondents to file objection to the delay condonation application but no objection has yet been filed, though copy of this application was served on the respondents on 30.4.2015. No plausible explanation has been put forward by leaned counsel for the respondents for the delay in filing objection to the delay condonation application. Since the matter relates to family pension and the applicant is aged about 57 years, we reject the prayer made today by learned counsel for the respondents for further opportunity to file objection to the delay condonation application.</p> <p>Heard learned counsel for the applicant on this application.</p> <p>Since the matter pertains to family pension and time and again</p>

Hon'ble Supreme Court observes that the claim of family pension is recurring cause of action and since the representation of the applicant, claiming family pension, has been rejected by the Department only on 14.8.2013, vide Annexure '8' to the O.A., the office report appears to be wrong and, accordingly, we reject the office report dated 30.4.2015 that the O.A. is delayed by 28 years, 2 months and 29 days. This O.A., though has been filed delayed by a short period and the reason shown in the affidavit accompanying this application appears to be genuine, we hereby condone the delay and allow this application. The office is directed to register the O.A.

Original Application No. 125 of 2016.

Heard learned counsel for the parties on admission of this O.A.

This O.A. has been filed by the widow of the Ex-Army man, referred to above, who has since been expired, claiming family pension. We have also gone through Annexure '8' to the O.A. wherein the admissibility of family pension to the next of kin has been referred as under :-

“(a) If the Armed Forces Personnel dies while in service, and

(b) If the Armed Forces Personnel dies after retirement with Service or Disability Pension.”

It further comes out from Annexure '8' to the O.A. that the husband of the applicant was invalided out from service on 16.7.1968 under Army Rule13(3) Item III(iii) and as such the applicant is not entitled for family pension.

Since the issue is arguable in nature, we **admit** this O.A.

Let counter affidavit be filed within six weeks by the respondents. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List this case for orders on 7.9.2016 before the Circuit Bench at Nainital.

(Lt Gen A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

LN/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K. Singh Bisht, learned counsel for the applicant, and Ms. Mamta Bisht, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;"><u>Misc. Application No. 1822 of 2015.</u></p> <p>This application has been filed by the applicant for condoning the delay in filing M.A. No. 1823 of 2015 for recall of the order dated 23.7.2010 dismissing T.A. No. 158 of 2010 for default, passed by the then Hon. Janardan Sahai, Member (J), since retired, and Hon. Lt. Gen. P.R. Gangadharan, Member (A), since retired.</p> <p>Earlier on 29.4.2015 M.A. No. 1881 of 2014 and M.A. No. 1882 of 2014 were dismissed as not pressed with the liberty to the applicant to file afresh delay condonation application as well as application for recall of the order dated 23.7.2010.</p> <p>These M.A. Nos. 1822 and 1823 of 2015 have seen the light of the day after the above order passed on 29.4.2015.</p> <p>Heard learned counsel for the applicant and have gone through this M.A. No. 1822 of 2015 supported with an affidavit. The reason shown for the delay in filing M.A. No. 1823 of 2015 seems to be genuine. Accordingly, this M.A. No. 1822 of 2015 stands allowed and the delay in filing M.A. No. 1823 of 2015 is hereby condoned.</p> <p style="text-align: center;"><u>M.A. No. 1823 of 2015.</u></p> <p>Heard learned counsel for the applicant and have gone through this application as well as the affidavit filed in support of it. The reason shown for non-appearance on 23.7.2010 seems to be genuine. Accordingly, the</p>

order dated 23.7.2010 is hereby recalled. The T.A. is restored to its original number.

List this case for orders on 8.9.2016 before the Circuit Bench at Nainital.

(Lt Gen A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

LN/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Shri K.K. Mishra, learned counsel for the applicant, is on sanctioned leave.</p> <p>Learned counsel for the respondents states that he has received information from the authorities concerned that there is already approval of the Brigade Command to discharge the applicant. Learned counsel for the respondents assures this Court that he will file the approval of the Brigade Command along with an affidavit before the Registry during the course of the day.</p> <p>List this case for orders/hearing on 8.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

O.A. No. 185 of 2014

Lal Bahadur Gurung
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri Kishore Rai, learned counsel for the applicant, and Shri Sanjay Bhatt, learned Standing Counsel, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;">The matter pertains to revision of pension for which the applicant is knocking the door of this Court since the year 2014.</p> <p style="text-align: center;">In the case the delay for filing the O.A. has already been condoned and the O.A. has also been admitted.</p> <p style="text-align: center;">Time and again, on the request of learned counsel for the respondents, opportunities were granted to file counter affidavit but no counter affidavit has yet been filed. As usual Shri Sanjay Bhatt, learned Standing Counsel, again prays for time to file counter affidavit. As a matter of last opportunity three weeks and no more time is granted to the respondents to file counter affidavit with the caution that if counter affidavit, in the meantime, is not filed, the respondents shall be ready to bear heavy cost and the case shall be decided without affording any further opportunity to file counter affidavit. However, if the counter affidavit is filed in the meantime, learned counsel for the applicant may file rejoinder affidavit, if any, within two weeks thereafter.</p> <p style="text-align: center;">List this case for orders on 8.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K. Singh Bisht, learned counsel for the applicant, and Shri Sanjay Bhatt, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;">On call of the case learned counsel for the respondents states that the counter affidavit is ready and will be filed before the Registry during the course of the day. Copy of the counter affidavit has already been served upon learned counsel for the applicant, Shri K.K. Singh Bisht. Learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p style="text-align: center;">List for orders on 7.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K. Singh Bisht, learned counsel for the applicant, and Shri Sanjay Bhatt, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;">On call of the case learned counsel for the respondents states that the counter affidavit is ready and will be filed before the Registry during the course of the day. Copy of the counter affidavit has already been served upon learned counsel for the applicant, Shri K.K. Singh Bisht. Learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p style="text-align: center;">List for orders on 7.9.2016 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri M.C.Pant, learned counsel for the applicant, and Shri Rajiv Pandey, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Heard Shri M.C.Pant, learned counsel for the applicant on this application (M.A.No.1234 of 2015) for amendment of the petition. The petition was received on transfer from Hon'ble Uttarakhand High Court at Nainital as far back as on 5.1.2010.</p> <p>As it comes out from record, at initial stage, when this petition was filed before the Hon'ble High Court, the prayer was made with respect to issuance of a writ in the nature of mandamus directing the respondents to allow the petitioner disability pension. Now, by means of this application, the applicant prays that the said prayer be deleted and in its place the order of discharge dated 31.10.1994 has been sought to be incorporated, praying that the same be quashed and a direction be issued to grant disability pension to the applicant.</p> <p>After arguing at some length, Sri M.C.Pant, learned counsel for the applicant states that he be permitted to withdraw this application as well as the petition and liberty be granted to him to file a fresh.</p> <p>Accordingly, we reject M.A.No. 1234 of 2015 and dismiss this T.A as withdrawn with liberty granted to the applicant to file a fresh without there being any hindrance or impediment of limitation if the same is filed within one month from today.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri M.S.Chauhan, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p><u>M.A.No. 473 of 2016</u></p> <p>This is an application for amendment of prayer clause of T.A, duly supported by an affidavit, by means of which the prayer sought to be added in the petition is to quash the rejection order dated 7.6.1989 passed by C.C.D.A. (Pension) Allahabad.</p> <p>We have gone through the application and the affidavit filed in support thereof as well as the T.A, wherein a prayer had been made while filing the petition before the Hon'ble High Court, to quash the impugned order dated 21.2.2003 passed by respondent No. 4 by means of which the claim of the applicant Digambar Singh, an army personnel, for grant of disability pension was rejected. The applicant is represented by his wife Smt. Bimla Devi.</p> <p>The amendment sought does not change the nature of the petition. No objection to the application for amendment has been filed by the respondents despite time being granted to them for the purpose. Accordingly, the application is allowed. Let necessary amendment be incorporated in the petition within two weeks.</p> <p>List this case for admission on 7.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

O.A. No. 44 of 2010

Paras Nath Pandey

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Shri Anurag Mishra, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, name of Shri Anurag Mishra be shown as counsel for the respondents.</p> <p>Present: Shri K.K.Singh Bisht, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>On call of the case, Shri K.K.Singh Bisht, learned counsel for the applicant states that he is not prepared with the brief since his file is not complete. He prays that the case be adjourned. Accordingly, the case is adjourned.</p> <p>List this case for hearing on 7.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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 Respondent s

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>27.04.2016 <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Ms. Mamta Bisht, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Heard Shri Lalit Kumar, learned counsel for the applicant, and Ms. Mamta Bisht, learned Standing Counsel appearing for the respondents on this review application, which has been filed by the applicant having aggrieved against the outcome of the judgment passed in O.A.No. 10 of 2011 dated 29.4.2013.</p> <p>This review application was filed after serving a copy thereof on the learned Standing Counsel on 1.7.2013. There is an office report to the effect that this review application is beyond time as it was not filed within 30 days as provided under Rule 18(1) of the Armed Forces Tribunal (Procedure) Rules, 2008. The query raised by the Court to learned counsel for the applicant is as to how this application is entertainable when Rule 18(1) specifically bars and starts with the clause that no application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed. Shri Lalit Kumar, learned counsel for the applicant prays for grant of some time to argue on the point. As prayed by him, the case is adjourned.</p> <p>List this case for hearing on 7.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p>It is also pertinent to indicate here that by order dated 24.7.2014, Hon'ble Mr. Justice S.C.Chaurasia, the then HOD, had directed that this matter be listed before the Bench consisting of himself (S.S.Chaurasia, Member (J) and Hon'ble Air Marshal Anil Chopra, Member (A).</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Sanjay Bhatt, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>On call of the case, no one appears for the applicant nor is there any request to pass over or adjourn the case.</p> <p>Accordingly, T.A. No. 1364 of 2010 is dismissed for non-prosecution.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
DAILY CAUSE LIST : C.B. Nainital

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

Notes of the Registry	Orders of the Tribunal
	<p><u>27.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p>We have gone through the order dated 3.3.2016 whereby the respondents were directed to state as to whether pre-trial proceedings against the applicant have ever been conducted and if conducted, a detailed affidavit be filed as the question raised in this case is to the effect that no pre-trial proceedings were conducted.</p> <p>As per respondents, the record of pre-trial proceedings has been destroyed by HQ 16 Corps JAG Department on 16.10.2008. Shri Anurag Mishra, learned Standing Counsel appearing for the respondents prays for and is granted, as a matter of last opportunity, three weeks and no more time to file an affidavit, as directed by order dated 3.3.2016.</p> <p>As prayed by Shri Lalit Kumar, learned counsel for the applicant, list this case for hearing on 7.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p>Shri Lalit Kumar identifies the person in civil dress to be the applicant Hayat Singh Bankoti. Let his presence be noted.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

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><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Sharma, learned counsel for the respondents, along with Col N.K.Rai, Departmental Representative.</p> <p>On call of the case, Shri K.K.Bisht holding brief of Shri C.S.Rawat, learned counsel for the applicant appeared. He states that rejoinder affidavit is ready and he intends to file it in the Registry within a week. Let the rejoinder affidavit be filed. If the rejoinder affidavit is filed, list this case for orders on 6.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

O.A. No. 195 of 2010

Anil Kumar Arya

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Rajiv Pandey, learned counsel for the respondents, along with Col N.K.Rai, Departmental Representative.</p> <p>Heard Shri Lalit Kumar, learned counsel for the applicant and Shri Rajiv Pandey, learned Standing Counsel appearing for the respondents on the question of admission of this O.A, which relates to the prayer having been made in the petition for quashing the punishments of severe reprimand awarded to the applicant.</p> <p>As it comes out from the record, at the initial stage it was not settled as to whether the punishment of severe reprimand can be challenged before the Armed Forces Tribunal and falls within the parameters of A.F.T.Act. Now, the law on the point has been settled by the Hon'ble Allahabad High Court and the Lucknow Bench of the Hon'ble High Court holding that O.A filed against the punishment of severe reprimand is maintainable before the Armed Forces Tribunal. Accordingly, we admit this O.A.</p> <p>Since counter and rejoinder affidavits have already been exchanged between the parties, we direct this matter to be listed for hearing on 6.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

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

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Lalit Sharma, learned counsel for the respondents, along with Col N.K.Rai, Departmental Representative.</p> <p>After making his submissions at some length, Shri Lalit Kumar, learned counsel for the applicant states that he would take much more time to conclude his arguments and prays that the case be adjourned to some other date. Accordingly, the case is adjourned, as prayed.</p> <p>List this case on 9.9.2016 for hearing before the Circuit Bench of this Court at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

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

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Col N.K.Rai, Departmental Representative.</p> <p>Heard Shri Lalit Kumar, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned Standing Counsel appearing for the respondents on the question of admission of this O.A, which has been listed for hearing despite there being no order of admission.</p> <p>This O.A has been preferred by the applicant praying that the applicant be paid interest @ 8% per annum on the arrears of disability pension with effect from the date of his discharge i.e. 31.5.2002, which has not been paid. Further prayer is that the applicant is entitled to rounding of the disability pension @ 50% in accordance with the relevant rules and the third prayer, which has been made, is to declare that the applicant's disability is not required to be reviewed by the periodical medical boards unless the applicant himself wants the same.</p> <p>Shri Lalit Kumar, learned counsel for the applicant has drawn our attention to Government of India, Ministry of Defence Letter No. 1(2)/97/D (Pen-C), dated 7.2.2001, annexed as Annexure A-3 at page 27 of the O.A, which indicates that the assessment with regard to percentage of disability as recommended by the invaliding Medical Board/Release Medical Board and as adjudicated by MA (P) in respect of PB OR and MOD in case of Commissioned Officers should be treated as final and for life unless the individual himself requests for review, except in cases of disabilities which are not of permanent nature. It further indicates that in the event of substantial difference of opinion between the initial award given by the Medical Boards and MA (P), the case will be referred to a Review Medical Board and the opinion of the Review Medical Board, which will be</p>

constituted by GAFMS as and when required shall be final.

It will not be out of place to mention here that earlier the applicant had preferred an O.A bearing No. 11 of 2013, which was allowed by this Court vide judgment and order dated 15.10.2014, whereby the respondents were directed to pay the arrears of disability pension alongwith interest @ 8% per annum till the date of payment. The respondents were further directed to refer the case to Re-Survey Medical Board for re-assessing the medical condition of the applicant for further entitlement of disability pension, if any.

The main thrust of the submissions made by Shri Lalit Kumar, learned counsel for the applicant is that the applicant is not required to be referred to Re-Survey Medical Board for reassessment of his medical condition in view of the aforesaid letter of Government of India, Ministry of Defence dated 7.2.2001. We are of the opinion that since there is a specific direction made by us in our judgment and order dated 15.10.2014 in O.A.No. 11 of 2013 that the applicant shall be referred to Re-Survey Medical Board for re-assessing his medical condition for further entitlement of disability pension, if any, as such the relief claimed in this O.A for declaration that the applicant is not required to be reviewed by the periodical medical boards is rejected.

So far as the relief of declaration that the applicant is entitled to rounding of the disability pension @ 50% in accordance with the rules instead of 30%, is concerned, Shri Lalit Kumar, learned counsel for the applicant submits that the same has been declared by the Hon'ble Apex Court, hence the applicant is entitled to the same. This question seems to be arguable. Accordingly, we **admit** this O.A.

Let counter affidavit be filed within six weeks. Rejoinder affidavit, if any may be filed within two weeks thereafter.

List this case for hearing on 9.9.2016 before the Circuit Bench of this Court at Nainital.

(Lt Gen A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

PG/-

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

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><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Ms. Mamta Bisht, learned counsel for the respondents, along with Col N.K.Rai, Departmental Representative.</p> <p><u>M.A.No. 2233 of 2015</u></p> <p>This is an application moved by the respondents for dismissal of Original Application and for taking the supplementary counter affidavit on record, which is taken on record.</p> <p>The application stands disposed of.</p> <p>List this case for hearing on 8.9.2016 before the Circuit Bench of this Court at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

C.A. No. 9 of 2016
(Inre: O.A. No. 7 of 2016 & Ex. A. 44 of 2014)

Mukesh Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>This case has come up in the supplementary cause-list.</p> <p>Shri Anurag Mishra, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, name of Shri Anurag Mishra be shown as counsel for the respondents.</p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Col N.K.Rai, Departmental Representative.</p> <p>Heard Shri Lalit Kumar, learned counsel for the applicant on this application, which has been moved under Section 19 of the Armed Forces Tribunal Act, 2007 with respect to non-compliance of the judgment and order dated 14.8.2014 passed in O.A.(A) No. 7 of 2013 and even the order dated 12.10.2015 passed in Execution Application No. 44 of 2014 in furtherance of the aforesaid judgment and order dated 14.8.2014, whereby the respondents were directed to pay the consequential benefits to the applicant, but the said orders have not been complied with, as such this application has seen the light of the day.</p> <p>It is note-worthy that the appeal preferred by the respondents against the aforesaid judgment and order of this Court under execution has been dismissed by the Hon'ble Supreme Court on the ground of limitation vide order dated 18.3.2016 passed in CrI. M.P.No. 4072 of 2016 in Criminal Appeal Diary No. (S) 39683 of 2015.</p> <p>It is really amazing that the judgment of this Court passed in O.A.(A) No. 7 of 2013 dated 14.8.2015 and the order dated 12.10.2015 passed in Execution Application No. 44 of 2014 have not yet been complied with to the extent, as submitted by Shri Lalit Kumar, that the applicant has not been</p>

provided the arrears of his pay from the date he was dismissed from the post of Lance Naik, promotion and seniority as well as Identity Card, etc. Thus, it comes out that the respondents are intentionally and deliberately not complying with the orders of this Court.

Let notice be issued to respondent No. 4 to show cause as to why he has not complied with the judgment and orders of this Court as aforesaid and why the proceedings under Section 19 of the Armed Forces Tribunal Act, 2007 be not drawn against him for his intentional and deliberate non-compliance of the aforesaid orders.

List this case for orders on 9.9.2016 before the Circuit Bench of this Court at Nainital.

(Lt Gen A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

LN/

Form No. 4
[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

M.A. No. 1431 of 2014 With M.A. No. 1432 of 2014
(Inre: Dy-No. 162 of 2013)

Balam Ram

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Sharma, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>On call of the case no one is present on behalf of the applicant.</p> <p><u>Misc. Applications No. 1431 and 1432 of 2014.</u></p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time and no more to file objections to the delay condonation application as well as substitution application.</p> <p>List this case again on 6.9.2016 for orders before the Circuit Bench at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

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><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Anurag Mishra on behalf of the respondents is taken on record. When the case is next listed his name be also shown as learned counsel for the respondents along with Shri Sanjay Bhatt.</p> <p>Present: Shri K.K. Verma, learned counsel for the applicant, and S/Shri Anurag Mishra and Sanjay Bhatt, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>The office report dated 19.4.2016 indicates that the notice issued to respondent no. 4 has been served on 14.12.2015. So far as notice sent to respondent no. 5 is concerned, the office report indicates that the notice sent to respondent no. 5 has not received back served or unserved. The office is directed to await for the service of notice on respondent no. 5.</p> <p>List this case again on 6.9.2015 before the Circuit Bench at Nainital with the service report on respondent no. 5.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

O.A. No. 64 of 2013 with M.A. No. 875 of 2016

Chandra Ballabh Bhatt

Applicant

By Legal Practitioner for Applicant

Versus

Chief of Naval Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Singh Bisht, learned counsel for the applicant, and Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p><u>Misc. Application No. 875 of 2016.</u></p> <p>Heard learned counsel for the applicant on this application.</p> <p>After hearing at some length we find that this application has wrongly been drafted. Learned counsel for the applicant prays that this application be rejected as not pressed with the liberty to file it afresh. Accordingly, this application stands rejected with the liberty to file it afresh.</p> <p>List this case again for orders on 6.9.2016 before the Circuit Bench at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

O.A. No. 140 of 2013

Jagdish Chandra Mishra

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondent s

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Ms. Sheetal Bisht holding brief of Ms. Pushpila Bisht, learned counsel for the applicant, and Shri Sanjay Bhatt, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Heard learned counsel for the parties on admission of this O.A.</p> <p>In this case the applicant was enrolled in the Army on 21.8.1995. After a short span of time, i.e after 3 months and 14 days, from the date the applicant was enrolled in the Army, he was found to be medically unfit since he was diagnosed to be colour blindness 369 and based on the medical report the applicant has been discharged from service on medical ground without granting disability pension. The applicant thereafter represented before the authorities concerned for his reemployment in tradesman category, i.e. Cook, Tailor, Carpenter, Mess Waiter and Barber, but no action has been taken by the respondents on his representation. Aggrieved against, the present O.A. has been filed by the applicant for grant of pension or in the alternative for appointment in the tradesman category. While arguing, learned counsel for the applicant emphasized that at the time of enrolment in service the applicant was found to be fit, even medically, for his enrolment and the colour blindness has been diagnosed/detected subsequently by the Medical Board after about three months from the date of his enrolment in service. As such, finding him medically unfit subsequently shall be attributable to Military service. In support of her argument, learned counsel for the</p>

applicant is citing the judgment of the Hon'ble Supreme Court in the case of **Dharamvir Singh v. Union of India & others** reported in *(2013) 7 SCC 316*.

There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, we **admit** this O.A.

Counter affidavit is on record. Learned counsel for the applicant prays for and is granted six weeks' time to file rejoinder affidavit.

List this case for orders on 6.9.2016 before the Circuit Bench at Nainital.

(Lt Gen A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

PG/-

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

O.A. No. 333 of 2013

Jeewan Chandra

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri G.D. Joshi, learned counsel for the applicant, and Ms. Mamta Bisht, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Learned counsel for the applicant is not interested to hear the Court nor he is ready to answer the query made by the Court.</p> <p>List this case again for orders on 7.9.2016 before the Circuit Bench at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

O.A. No. 179 of 2014 With O.A. No. 217 of 2014

Deepak Badakoti

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Singh Bisht, learned counsel for the applicant, and Shri Rajiv Pandey, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Learned counsel for the applicant states that he intends to file amendment application to the present O.A. He, therefore, prays for and is granted four weeks' time to file amendment application.</p> <p>List this case on 6.9.2016 before the Circuit Bench at Nainital.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
C.B. NAINITAL

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><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Kishor Rai holding brief for Shri I.D. Paliwal, learned counsel for the applicant, and Shri Sanjay Bhatt, learned Standing Counsel, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Aggrieved against the order of discharge dated 26.7.2013 the present O.A. has been filed along with an application, bearing M.A. No. 921 of 2016, for condoning the delay in filing the O.A.</p> <p>In this O.A. the applicant has prayed for quashing of the discharge order dated 26.7.2013 and for a direction to reinstate the applicant in service.</p> <p>During the course of argument, learned counsel for the applicant states that the applicant has been discharged from service on medical ground and he is entitled for pension, whereas the reliefs prayed for speaks otherwise.</p> <p>Learned counsel for the applicant prays for and is granted ten days' time to amend the O.A.</p> <p>List this case again for orders on 5.9.2016.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. NAINITAL

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Lt. Col. N.K. Rai, Departmental Representative.</p> <p>On call of the case neither learned counsel for the applicant nor learned counsel for the respondent is present in Court.</p> <p>However, in the interest of justice, list this case again on 5.9.2016.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

O.A. No. 153 of 2010

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><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Lt. Col. N.K. Rai, Departmental Representative.</p> <p>On call of the case neither learned counsel for the applicant nor learned counsel for the respondent is present in Court.</p> <p>However, in the interest of justice, list this case again on 5.9.2016.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

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><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Sanjay Bhatt, Standing Counsel, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Learned counsel for the applicant is not present in Court.</p> <p>Learned Standing Counsel states that counter affidavit is ready and will be filed before the Registry during the course of the day. He further states that copy of the counter affidavit will be served on learned counsel for the applicant today itself. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>If the copy of the counter affidavit is served on learned counsel for the applicant, the applicant may file rejoinder affidavit within three weeks.</p> <p>List this case for orders on 5.9.2016.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Anil Anthawal honing brief for Shri C.S. Rawat, learned counsel for the applicant, and Shri Rajiv Pandey, learned counsel for the respondents, along with Sgt. S.K. Pandey, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that the rejoinder affidavit is ready and will be filed before the Registry during the course of the day. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List this case again on 5.9.2016 for orders.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

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><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri Sanjay Bhatt, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p style="text-align: center;">This case has been received on transfer from Hon'ble Uttarakhand High Court at Nainital and registered as T.A. No. 62 of 2013.</p> <p style="text-align: center;">It comes out from the order-sheet that notice issued to the applicant was served but no one turned up. Thereafter, vide order dated 29.2.2016, again notice was directed to be issued and the office report indicates that on 10.3.2016 fresh notice has been issued to the applicant but the same has not been received back served or unserved.</p> <p style="text-align: center;">List this case again on 5.9.2016 with the office report with respect to service of notice on the applicant.</p> <p style="text-align: center;">When the case is next listed the name of Shri Anurag Mishra be also shown as counsel for the respondents.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Sanjay Bhatt and Shri Anurag Mishra, learned counsel for the respondents, along with Lt. Col. N.K. Rai, Departmental Representative.</p> <p>Case called out. No one is present on behalf of the applicant.</p> <p>This case has been received on transfer from Hon'ble Uttarakhand High Court at Nainital and registered as T.A. No. 31 of 2014.</p> <p>In this case, in compliance of Court's order, notice was issued to the applicant, but, as per office report dated 11.4.2016, the said notice received back with the remark of the Post Office that the applicant is presently not residing in Village Bhajanpur but is residing somewhere else. Thereafter a further direction was issued to the office on 30.11.2015 to issue fresh notice to the applicant and his learned counsel. Further on 29.2.2016 a direction was issued to issue fresh notice to the applicant and learned counsel for the respondents was directed to provide latest address of the applicant.</p> <p>By means of above office report dated 11.4.2016 it transpires that the fresh notice issue to the applicant and his learned counsel on 16.3.2016 has not been received back served or unserved.</p> <p>Learned Standing Counsel, Shri Sanjay Bhatt, states that Shri B.S. Khanka, learned counsel for the applicant, is no more alive. In such circumstance fresh notice cannot be sent unless and until fresh</p>

address of the applicant is available on record.

Accordingly, finding no other option, we dismiss this T.A. for non-prosecution.

(Lt Gen A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

PG/-

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

T.A. No. 09 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><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>The case was taken up in the revised list.</p> <p>Shri Ashish Joshi, Advocate files power on behalf of the applicant, which is taken on record. When the case is next listed, name of Shri Ashish Joshi be shown as counsel for the applicant.</p> <p>Present: Shri Ashish Joshi, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p><u>M.A.No. 478 of 2014</u></p> <p>This is an application for substitution moved by Smt. Jamotri Devi, said to be the mother of applicant Sohan Singh Bisht, who is said to have died on 1.8.2013 while serving the Army, leaving behind him his mother. Late Sohan Singh Bisht was not married. In the Death Certificate annexed with this application also, the name of Smt. Jamotri Devi has been shown as mother of late Sohan Singh Bisht. By means of this T.A, the applicant has prayed for quashing of Discharge Certificate dated 31.3.1998, annexed as Annexure-5 to the petition and to pay disability pension of her son late Sohan Singh Bisht.</p> <p>No objection to this application has been filed by the respondents in spite of its copy having been served upon learned Standing Counsel on 13.3.2014. Accordingly, the application is allowed. Let necessary substitution be made in the petition by learned counsel for the applicant within ten days.</p> <p>The petition is not yet admitted. Let this case be listed for admission on 5.9.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A) LN/</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Ms. Mamta Bisht, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p>On call of the case, Shri H.S.Sharma, learned counsel for the applicant is not present; rather Shri Kishore Rai, Advocate appeared and states that a request has been made by Shri H.S.Sharma, learned counsel for the applicant for adjournment of this case to some other date. We have seen that time and again this case is being adjourned at the behest of Shri H.S.Sharma on one ground or the other. It seems that Shri H.S.Sharma is not interested in conducting the case on behalf of the applicant. However, as a matter of last opportunity, we adjourn this case today with strict observation that on the next date fixed, this case will not be adjourned on any ground whatsoever.</p> <p>List this matter for hearing on 5.9.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

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><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Sanjay Bhatt, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p style="text-align: center;">Great emphasis has been laid by Shri Lalit Kumar, learned counsel for the applicant upon the fact that the applicant was serving in the Army and while he was going to join his duties after availing the Annual Leave granted to him, he was given something to eat by someone on account of which he lost his mental balance and consequently he disappeared and could not join his duties. When he was not found, he was declared missing and presumed dead by the Army. Thereafter, after necessary formalities, his mother had been given a cheque of Rs.3,75,000/- and family pension was sanctioned. Now, by means of this petition, the applicant has come up with the prayer that the applicant be allowed to join his duties with complete back wages and that the amount of Rs. 25,788/- which was recovered from his mother as interest on the family pension, be refunded to him.</p> <p style="text-align: center;">Since the applicant has prayed for his joining with complete back wages, it is to be seen as to whether the applicant, who himself admits in the petition that he had lost his mental balance and was admitted in Doon Hospital for treatment, is medically fit to join his duties. Accordingly, we direct the respondents to constitute a Medical Board, who shall assess the applicant with respect to his mental condition and after thorough medical examination shall submit its report by the next date as to whether the applicant is medically fit to join his duties in the Army. We make it clear that the aforesaid direction with regard to applicant's examination by the Medical Board shall not be taken to mean that the applicant has been taken on strength.</p> <p style="text-align: center;">List this case orders on 5.9.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: center;">(Lt Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

O.A. No. 244 of 2014

Balwant Singh Parihar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Bhanu Pratap Singh, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p>On call of the case, Shri Anil Anthwal, Advocate appeared. He states that Shri C.S.Rawat, learned counsel for the applicant has not come to the Court today and has prayed for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case for hearing on 5.9.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

O.A. No. 146 of 2015

Devendra Singh Bhandari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondent s

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>25.04.2016 <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Rajiv Pandey, learned counsel for the respondents, along with Sgt S.K.Pandey, Departmental Representative.</p> <p>Heard Shri Lalit Kumar, learned counsel for the applicant and Shri Rajiv Pandey, learned Standing Counsel, who is appearing for the respondents except respondent no. 9.</p> <p>This petition had been filed in the year 2015 without there being any application for condonation of delay. It comes out from the order-sheet that on 7.7.2015, the application for condonation of delay was filed while serving a copy thereof on learned Standing Counsel appearing for the respondents. The order-sheet further indicates that without service of notice of this application on respondent No. 9 and without there being any objection of respondents on record, the application was allowed and the delay in filing the O.A was condoned and on the same date i.e. 7.7.2015, the petition was admitted for hearing with the remark, "<i>Heard. It is a fit case of adjudication. Admit.</i>"</p> <p>However, while going through the prayer clause of the petition, we find that certain reliefs have been claimed against Group Captain Dinesh Asthana, who has been impleaded by name as respondent No. 9. It comes out that notices have not yet been served upon the respondent No. 9. Let notice be issued to respondent No. 9. The applicant shall take steps for service upon respondent No. 9 within a week.</p> <p>List this case for orders on 6.9.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B NAINITAL

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><u>25.04.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Rajiv Pandey, learned counsel for the respondents, along with Lt Col N.K.Rai, Departmental Representative.</p> <p>Case called out. No one appears for the applicant nor is there any request to pass over or adjourn the case. However, in the interest of justice, the case is adjourned.</p> <p>List this case for hearing on 5.9.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>