

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**C.B. Nainital**

**O.A. No. 148 of 2013**

**Jatinder Kumar Pande**

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 C.B. Nainital</b>
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Allowed.</p> <p>For Judgment and order see our judgment and order of date passed on separate sheets.</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. 274 of 2015**

**Ex Nk Deb Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri D.S. Tiwari on behalf of respondents no. 1 to 5 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri K.K. Singh Bisht, Counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>This Original Application has been filed by the applicant against premature discharge with an application for condoning the delay.</p> <p>As per office report, there is a delay of 1 year, 11 months and 13 days in filing the O.A.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection to the delay condonation application.</p> <p>List on 29.4.2015 before the Circuit Bench at Nainital.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      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. 275 of 2015**

**Ex Nk Deb Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri D.S. Tiwari on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri K.K. Singh Bisht, Counsel for the applicant, and Shri D.S. Tiwaari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>This Original Application has been filed by the applicant claiming disability pension with an application for condoning the delay.</p> <p>As per office report, there is a delay of 1 year, 8 months and 20 days in filing the O.A.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection to the delay condonation application.</p> <p>List on 29.4.2015 before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri D.S. Tiwari on behalf of respondents no. 1 to 3 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri K.K. Verma, Counsel for the applicant, and Shri D.S. Tiwari learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>This Original Application has been filed by the applicant claiming family pension accompanied by an application for condoning the delay in filing the O.A.</p> <p>As per office report, there is a delay of 14 years, 3 months and 4 days in filing the O.A.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection.</p> <p>List on 29.4.2015 before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      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. 1874 of 2014**  
**(Inre: 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 C.B. Nainital
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Singh Bisht, Counsel for the applicant, and Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Application No. 1874 of 2014.</u></b></p> <p>This is an application for recall of the order dated 21.11.2014, passed by the Bench consisting of Hon. S.C. Chaurasia, Member (J) and Hon. Air Marshal Anil Chopra, Member (A), by means of which O.A. No. 44 of 2010 has been dismissed for non-prosecution.</p> <p>Since the aforesaid Bench is not available today at Circuit Bench, Nainital, office is directed to list this M.A. before the concerned Bench at Lucknow on 24.2.2015.</p> <p>List on 24.2.2015 before the concerned Bench at Lucknow .</p> <p>(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      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**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case.</p> <p>This Writ Petition No. 154 of 2010(S/S) after having been transferred from the Hon'ble Uttarakhand High Court has been registered before this Tribunal as T.A. No. 62 of 2013.</p> <p>As per office report dated 11.8.2014, the notice issued to the petitioner has been served on the petitioner, but inspite of service of notice no one appears for the applicant. However, in the interest of justice and as a matter of last opportunity the case is being adjourned for the day</p> <p>List on 1.5.2015 before the Circuit Bench at Nainital. Either the applicant or his counsel may appear on the said date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 10 of 2013**

**KP Datta**

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 C.B. Nainital</b>
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Brig. Anil Srivastava (Retd.), Counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved..</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.(A) No. 81 of 2012**

**Manoj 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 C.B. Nainital</b>
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case a request has been made on behalf of Shri Lalit Kumar, learned counsel for the applicant, that since Shri Lalit Kumar could not come to this Court today, the case be adjourned. Accordingly, the case is adjourned for the day.</p> <p>List on 28.4.2015 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**

**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

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appeared for the applicant, neither there is any request to adjourn/pass over the case. Learned counsel for the respondents is also not present. However, in the interest of justice this case is being adjourned for the day.</p> <p>While going through the order-sheets we noticed that this case has not yet been admitted, though it has been listed by the office for hearing.</p> <p>List on 1.5.2015 for admission 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**

**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

Notes of the Registry	Orders of the C.B. Nainital
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Vakalatnama filed by Shri Deep Joshi on behalf of the applicant is taken on record. When the case is next listed, his name be shown as counsel for the applicant.</p> <p>Present: Shri Deep Joshi, Counsel for the applicant and Shri D.S. Tiwari. learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>From the order-sheets it reveal that this case has not yet been admitted. Further, learned counsel for the applicant prays for adjournment to prepare the brief.</p> <p>List on 29.4.2015 for admission before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 96 of 2011**

**Darban Singh 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 C.B. Nainital</b>
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appeared for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice this case is being adjourned for the day.</p> <p>However, while going through the order-sheets we noticed that this case has not yet been admitted, though it has been listed by the office for hearing.</p> <p>List on 1.5.2015 for admission 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**

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

**Prakash Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><b><u>13.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwaari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appeared for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice this case is being adjourned for the day.</p> <p>However, while going through the order-sheets we noticed that this case has not yet been admitted, though it has been listed by the office for hearing.</p> <p>List this case on 1.5.2015 for admission 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. 509 of 2014 with M.A. No. 510 of 2014**

**(Inre: T.A. No. 97 of 2012)**

**Anant Prakash Bhatt**

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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Devendra Kumar on behalf of respondents no. 1 to 3 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice this case is adjourned for the day.</p> <p>List again on 27.4.2015 before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 1881 of 2014 with M.A. No. 1882 of 2014**  
**(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

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri D.S. Tiwari on behalf of respondents no. 1 to 4 is taken on record. When the case is listed next, his name be shown as counsel for the said respondents.</p> <p>Present: Shri K.K. Singh Bisht, Counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Applications No. 1881 of 2014 &amp; 1882 of 2014.</u></b></p> <p>These two applications have been filed by the applicant, one for condoning the delay in filing the restoration application and the other for restoration of T.A. No. 158 of 2010, which was dismissed in default, vide order dated 23.7.2010.</p> <p>We have gone through the order dated 23.7.2010 dismissing in</p>

default T.A. No. 158 of 2010 with a detailed order.

Earlier the petitioner filed Writ Petition No. 900 of 2009 before the Hon'ble Uttarakhand High Court, which on being transferred before this Tribunal registered as T.A. No. 158 of 2010. One Shri Raman Kumar Shah, Advocate, was appearing in this case on behalf of the petitioner when the case was transferred before this Tribunal on his presence and, therefore, he had full knowledge that this case has been transferred to this Tribunal, but when the case was taken up before this Tribunal Shri Shah did not turn up and ;the case was dismissed in default on 23.7.2010.

It has been pleaded by Shri K.K. Singh Bisht, learned counsel for the applicant, that since the applicant is a very poor person he could not pay the fee to Shri Shah and that was the reason for non-appearance in this case by Shri Shah, though Shri Shah kept assuring his client that he will conduct the case, but since he did not turn up, this case was dismissed in default on 23.7.2010.

Let notice be issued to Shri Raman Kumar Shah, Advocate, for his appearance before this Court on 27.4.2015 to show cause as to why the matter be not referred to the Bar Council for cancellation of his registration for his conduct.

List this case on 27.4.2015 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. 153 of 2010 with M.A. No. 1793 of 2014**

**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 C.B. Nainital
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Vivek Raj, Counsel for the applicant and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Application No. 1793 of 2014.</u></b></p> <p>This is an application for amendment of the Original Application.</p> <p>Aggrieved against non-granting disability pension the applicant has approached this Tribunal by means of Original Application.</p> <p>After hearing at some length learned counsel for the applicant prays that this M.A. No. 1793 of 2014 be dismissed as withdrawn with the liberty to file it afresh.</p> <p>As prayed, M.A. No. 1793 of 2014 is dismissed as withdrawn with the liberty to the applicant to file a fresh application..</p> <p>(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      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. 37 of 2011 with M.A. No. 227 of 2015**

**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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case a request has been made on behalf of Shri Lalit Kumar, learned counsel for the applicant, to adjourn the case. Accordingly, the case is adjourned for the day.</p> <p>List on 28.4.2015 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. 185 of 2014**

**Lal Bahadur Gurung**

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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari. learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one is present for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice this case is being adjourned for the day.</p> <p>List again on 29.4.2015 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. 243 of 2014 with M.A. No. 265 of 2015 & M.A. No. 266 of 2015**

**Rajendra 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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri C.S. Rawat, Counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Applications No. 265 of 2015 &amp; 266 of 2015.</u></b></p> <p>The aforementioned two applications have been moved by learned counsel for the applicant, one for condoning the delay in moving amendment application and the other for amendment of the O.A.</p> <p>The reasons shown in the delay condonation application appears to be genuine. Accordingly M.A. No. 265 of 2015 is allowed and the delay in filing the amendment application is hereby condoned.</p> <p>So far as amendment of the O.A. is concerned, we have gone through the amendment application and find that if the amendment is allowed, it will not effect the nature and merit of the OA. Accordingly, M.A. No. 266 of 2015 is allowed. The amendment be incorporated</p>

within six weeks.

List on 30.4.2015 for orders 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. 244 of 2014**

**Balwant Singh Parihar**

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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri C.S. Rawat, Counsel for the applicant. and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit indicating therein as to why and under what circumstances the applicant was found to have concealed the material fact at the time of his enrollment in DSC.</p> <p>List on 30.4.2015 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**

**T.A. No. 135 of 2011 with M.A. No. 236 of 2015 & M.A. No. 237 of 2015**

**Ravindra Singh**  
In Person

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri C.S. Rawat, Counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Application No. 236 of 2015.</u></b></p> <p>Heard learned counsel or the applicant on this delay condonation application. The reason shown for delay in filing the amendment application appears to be genuine. Accordingly this application is allowed.</p> <p><b><u>Misc. Application No. 237 of 2015.</u></b></p> <p>Heard learned counsel for the applicant on this amendment application. The application is allowed. Necessary amendment be incorporated within six weeks.</p> <p>List on 1.5.2015 before the Circuit Bench at Nainital.</p> <p>When the case is next listed, the name of Shri C.S. Rawat be shown as counsel for the applicant.</p> <p>(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      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. 210 of 2012**

**Alam Singh**

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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Shaialendra Kumar Singh, Counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On going through the order-sheets we find that this case has not yet been admitted, though it has been listed by the office for hearing.</p> <p>Heard learned counsel for the applicant on the point of admission. The matter pertains to war injury pension. As submitted by learned counsel for the applicant, only Part II order is to be issued by the respondents since it is the admitted fact that the applicant had suffered injury during Indo-Pak war in 1965. The matter is an old one. Accordingly, we <b>admit</b> this O.A.</p> <p>Learned counsel for the applicant prays that this case be listed before this Tribunal at Lucknow since the applicant is very poor person and he is not able to pay fee to him and he is bearing all the expenses towards coming to Nainital from Lucknow.</p>

Accordingly, as prayed by learned counsel for the applicant, list this case on 24.2.2015 at Lucknow before the concerned Court having jurisdiction, as per roster of that date. On the next date the respondents are directed to produce the Part II order.

(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. 285 of 2012**

**Rakesh Kumar Maikhuri**  
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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, Counsel for the applicant and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>The question in issue in this case is as to whether the discharge order can be passed by the Commanding Officer or by the Brigade Commander.</p> <p>The submission of learned counsel for the applicant is that the CO is not the competent authority to sign the discharge order. Learned counsel for the applicant is to satisfy this Court as to whether the CO can pass an order of discharge on approval of the competent authority or not. The respondents are directed to produce the record on the next date to show whether there was any approval of the Brigade Commander to discharge the applicant.</p> <p>List on 1.5.2015 before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      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**

**Chandra Ballabh Bhatt**  
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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Devendra Kumar on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri K.K. Singh Bisht, Counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel.</p> <p>On call of the case learned counsel for the applicant prays for adjournment since he could not prepare the brief. Accordingly, the case is adjourned for the day.</p> <p>List on 27.4.2015 before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 108 of 2011**

**Smt. Geeta Rawat & Others**

Legal Practitioner for Applicants

Applicants

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, Counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>While going through the order-sheets we find that this case has not yet been admitted, though this case has been listed by the office for hearing.</p> <p>List on 1.5.2015 for admission 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**

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

**Prem Ballabh & Others**

Legal Practitioner for Applicants

Applicants

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari. learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice this case is being adjourned for the day.</p> <p>Further, while going through the order-sheets we find that this case has not yet been admitted, though it has been listed by the office for hearing.</p> <p>List on 1.5.2015 for admission 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**

**T.A. No. 118 of 2012**

**Smt. Sabuli Devi**

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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, Counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>While going through the order-sheets we find that this case has not yet been admitted, though it has been listed by the office for hearing.</p> <p>A request has been made by learned counsel for the applicant that this case be taken up at Lucknow since the applicant is a very poor person and unable to bear the expenses of his counsel coming to Nainital.</p> <p>As prayed, list on 25.2.2015 for admission before the concerned Court at Lucknow having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 51 of 2013**

**Sohan Singh**  
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 C.B. Nainital</b>
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, Counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>While going through the order-sheets we find that this case has not yet been admitted, though it has been listed by the office for hearing.</p> <p>A request has been made by learned counsel for the applicant that this case be taken up at Lucknow since the applicant is a very poor person and unable to bear the expenses of his counsel coming to Nainital.</p> <p>As prayed, list on 25.2.2015 for admission before the concerned Court at Lucknow having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 264 of 2015**

**Smt. Leela Devi**  
Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><b><u>12.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Devendra Kumar on behalf of respondents no.1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri T.C. Pandey, Counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Application No. 264 of 2015.</u></b></p> <p>This is an application for condoning the delay in filing the Original Application. As per office report there is a delay of 4 years, 6 months and 9 days in filing the Original Application. The reasons shown in the affidavit accompanying the delay condonation application appear to be genuine. Accordingly, the application is allowed and the delay in filing the O.A. is hereby condoned. The office is directed to register the O.A.</p> <p><b><u>Original Application No. 31 of 2015.</u></b></p> <p>Heard learned counsel for the applicant.</p> <p>By this O.A. the applicant claims family pension.</p> <p>The applicant happens to be the widow of late LNK Dinesh Chandra,</p>

who happened to be Army personnel and died on 11.10.2011 leaving behind the applicant and two children.

As it comes out from the pleadings that the applicant's husband, late LNK Dinesh Chandra, was enrolled in the Army on 23.8.1980 and was discharged from service on 18.3.1992. due to mental illness of the applicant. The applicant could not claim his pensionary benefits as he was mentally ill. Ultimately he expired on 11.10.2011. The applicant thereafter approached the respondents authorities time and again for family pension but of no avail. Ultimately the claim which was put forward by the applicant has been refused by the respondents on the ground that the husband of the applicant had not completed the required pensionable service.

The point is to be considered as to whether the applicant having been declared low medical category was discharged on his own request in medical category AYE and whether his wife is entitled for family pension or not. The point seems to be arguable in nature. Accordingly we **admit** this O.A.

Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List on 27.4.2015 for orders 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**

**M.A. No. 250 of 2014**

**Smt. Basanti 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 C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appeared for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice this case is adjourned for the day.</p> <p>List on 27.4.2015 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. 329 of 2014**

**Dhanetri Devi**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant submits that his client is not responding and has not turned up, although this O.A. has been filed, as per office report, delayed by 51 years, 11 months and 9 days.</p> <p>Learned counsel for the applicant, therefore, prays that this O.A. be dismissed as withdrawn with liberty to file it afresh, if so advised.</p> <p>Accordingly, as prayed, this O.A. is dismissed as withdrawn with liberty to file it afresh, if so advised..</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 1109 of 2014 with M.A. No. 1840 of 2014**

**Devendra Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri A.K. Singh, learned counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This O.A. supported with an application for condoning the delay in filing this O.A. has been filed by the applicant. As per office report there is a delay of 23 years, 8 months and 2 days in filing this O.A.</p> <p>Since the Medical Board, after examining the applicant, had declared the applicant 100% disable for two years, but there is nothing on record to indicate as to whether the applicant has again been examined, on completion of two years, or not.</p> <p>Accordingly, we direct the respondents to re-examine medically the applicant by a duly authorized Medical Board within a period of three months and submit its report with an affidavit before the Court.</p>

The application for condoning the delay in filing the O.A. shall be considered subsequently.

As prayed by learned counsel for the applicant, list this case on 13.5.2015 at Lucknow before the appropriate Court having jurisdiction as per roster of that date..

(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. 195 of 2010 with M.A. No. 849 of 2013**

**Anil Kumar Arya**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Civil Misc. Application No. 1111 of 2014.</u></b></p> <p>This is an application moved by the applicant with the prayer to recall the order dated 1.5.2014 passed by the Bench consisting of Hon. S.C. Chaurasia, Member (J) and Hon. Air Marshal Anil Chopra, Member(A). Subsequently, this Court , vide oder dated 21.5.2014, directed this case to be listed before the same Bench consisting of Hon. S.C. Chaurasia, Member (J) and Hon. Air Marshal Anil Chopra, Member(A).</p> <p>Accordingly, we direct that the matter be listed before the Bench consisting of Hon. S.C. Chaurasia, Member (J) and Hon. Air Marshal Anil Chopra, Member(A) on 5.5.2015 at Lucknow, as prayed by learned counsel for the applicant..</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 333 of 2013**

**Jeewan Chandra**

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 C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri G.D. Joshi, learned counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>This O.A. has been filed by the applicant claiming disability pension. The applicant has impleaded in this O.A. respondents no.6 and 7 by name. Accordingly, notices were ordered to be issued to respondents no. 6 and 7, but as per office report dated 5.2.2015 the notices which were issued to respondents no. 6 and 7 have not yet received back served or unserved.</p> <p>Accordingly, the office is directed to list this matter again on 27.4.2015 before the Circuit Bench at Nainital.with service report on respondents no. 6 and 7.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 186 of 2014**

**Suresh 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 C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Ms. Gaura Devi Dev, learned counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>The matter pertains with respect to retirement benefits and arrears of pension. This Court while admitting this O.A. on 5.9.2014 had condoned the delay of 29 years, 3 months and 28 days. On that date, i.e. on 5.9.2014 the respondents were granted time to file counter affidavit, but no counter affidavit has yet been filed.</p> <p>Learned counsel for the respondents prays for and is granted further six weeks' time and no more to file counter affidavit.</p> <p>List on 27.4.2015 before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 01 of 2011**

**Smt Bimla 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 C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case Shri V.P. Pandey states that this case will be argued by Shri M.S. Chauhan, learned counsel for the applicant, who has not come to this Court today. Shri Pandey, therefore, prays for adjournment. Accordingly, this case adjourned for the day.</p> <p>List on 28.4.2015 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. 378 of 2011**

**Mohan Singh 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 C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice we are adjourning this case for the day.</p> <p>Further while going through the order-sheets we find this case has not yet been admitted, although it has been listed by the office for hearing.</p> <p>List on 29.4.2015 for admission 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. 395 of 2012**

**Mohini 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 C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Devendra Kumar on behalf of respondents no. 1 to 5 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant, and Shri Devendra Kumar, learned counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>By means of this O.A. the applicant claiming himself to be the second wife of late Ex. Hav. Jagannath prays for second family pension from SSB PAC HQ Dhada, P.O. Baswanpatti, District Supaual Bhrppur (Bihar).</p> <p>The submission of learned counsel for the applicant is that the applicant is being paid pension by the Army but under the scheme with respect to duel pension respondent no. 4 be commanded to grant</p>

second family pension as per notification of the Government of India, Department of P & PW OM No. 1/19/96 P & PW (E), dated 10.7.2002.

Since the respondent no. 4, Commandant, 18<sup>th</sup> Battalion, SSB, PAC HQ, Dhada, P.O. Baswanpatti, District Supaull Birpur (Bihar), do not come within the parameter of the Armed Forces Tribunal Act, 2007, as such no direction can be issued to respondent no. 4 to grant duel pension to the applicant and at this juncture, learned counsel for the applicant also conceded with the observation of this Court. Learned counsel for the applicant further submitted that the applicant has got a remedy before the Central Administrative Tribunal for the said relief.

Accordingly, this O.A., being not maintainable before this Tribunal, is dismissed with liberty to the applicant to move before the competent Court for the relief claimed herein in this O.A., if so advised.

(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. 148 of 2013**

**Jatinder Kumar Pande**

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 C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</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. 48 of 2012**

**Ravinder Kumar & Another**

By Legal Practitioner for Applicants

Applicants

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice this case is being adjourned for the day.</p> <p>List on 30.4.2015 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**

**T.A. No. 82 of 2012**

**Mahavir Singh Rawat**

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 C.B. Nainital</b>
	<p><b><u>11.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Devender Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case one person claiming himself to be the applicant, Mahavir Singh Rawat, appeared and stated that since the wife of his counsel has expired, his counsel is unable to come before the Circuit Bench at Nainital. He, therefore, prays that this case be directed to be listed at Lucknow to enable his counsel to appear when the case is listed next.</p> <p>Accordingly and as prayed by the applicant, list this case before the appropriate Court at Lucknow on 25.2.2015 as per roster of that date.</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. 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 C.B. Nainital
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri T.C. Pandey, learned counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>This O.A. has been preferred by the applicant claiming therein disability pension along with an application for condonation of delay.</p> <p>As per office report there is a delay of 5 years, 9 months and 22 days in filing the O.A.</p> <p>On earlier occasion time was granted to the respondents to file objection to the delay condonation application, but no objection has been filed. Learned counsel for the respondents prays for and is granted further six weeks' time to file objection to the delay condonation application.</p> <p>List on 14.4.2015 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. 1752 of 2014**

**Diwan 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 C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri D.S. Tiwari on behalf of respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice the case is adjourned for the day.</p> <p>List on 13.4.2015 before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 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 C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice the case is adjourned for the day.</p> <p>List on 13.4.2015 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. 107 of 2014 with M.A. No. 60 of 2015**

**Kishan Wingham Lingwal**

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 C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice the case is adjourned for the day.</p> <p>List on 14.4.2015 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. 137 of 2014**

**Sunder 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 C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>The question in issue which has been agitated by the applicant is that the applicant while in service in the Army went missing and remained absent for about four years. The authorities of the Army, therefore, declared him dead after one year of absence. The mother of the applicant subsequently informed, in writing, the respondents that the applicant is alive and is being treated in Doon Hospital, Dehradun, as an out-door patient.</p> <p>Learned counsel for the applicant submits that even the application sent by the mother of the applicant for taking the applicant in service has not been disposed of by the authorities concerned and no response has been sent to the mother of the applicant on the</p>

application sent by her to take the applicant in service.

This case has already been admitted.

On earlier occasions the respondents were granted time to file counter affidavit, but no counter affidavit has yet been filed by the respondents. As prayed by learned counsel for the respondents six weeks and no more time is granted to the respondents to file counter affidavit with specific reply on the application sent by the mother of the applicant to take the applicant in service.

List on 13.4.2015 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. 245 of 2014**

**Bhag Bahadur Tamang**  
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 C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Devendra Kumar, learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>This O.A. has been filed by the applicant with the prayer to set aside the discharge order and to reinstate the applicant in service with all consequential benefits.</p> <p>This O.A. has already been admitted on 19.11.2014, but inspite of time being granted to the respondents no counter affidavit has yet been filed. Learned counsel for the respondents prays for and is granted six weeks' time and no more to file counter affidavit.</p> <p>List on 13.4.2015 before the Circuit Bench at Nainital.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) 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. 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 C.B. Nainital
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appeared for the applicant. However, in the interest of justice, the case is adjourned for the day.</p> <p>List on 14.4.2015 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**

**R.A. No. 27 of 2013 with M.A. No. 585 of 2013 & M.A. No. 358 of 2014**

**(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

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Devendra Kumar on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Devendra Kumar, learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Application No. 585 of 2013.</u></b></p> <p>This is an application for leave to appeal preferred by the applicant against the judgment and order dated 29.4.2013, passed by this Tribunal in O.A. No. 10 of 2011.</p> <p>After hearing at some length learned counsel for the applicant states that he do not want to press this application.</p> <p>Accordingly, this application is dismissed,</p> <p><b><u>Misc. Application No. 358 of 2014.</u></b></p>



This is an application, filed by the respondents, for taking counter affidavit on record. The counter affidavit is taken on record. The application is disposed of accordingly.

Learned counsel for the applicant states that he do not want to file any rejoinder affidavit.

The review application is, therefore, complete for hearing.

List on 13.4.2015 for hearing 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**

**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

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Devendra Kumar, learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice the case is adjourned for the day.</p> <p>List on 15.4.2015 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. 60 of 2011**

**Narendra Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Chief of Army Staff & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Devendra Kumar, learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appeared for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice the case is adjourned for the day.</p> <p>List on 16.4.2015 for hearing 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 Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>10.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Devendra Kumar, learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appeared for the applicant, neither there is any request to adjourn/pass over the case. However in the interest of justice the case is being adjourned for the day.</p> <p>While going through the order-sheets we find that this case has not yet been admitted, though it has been listed for hearing by the office.</p> <p>List on 17.4.2015 for admission 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**

**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 C.B. Nainital
	<p><b><u>09.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri D.S. Tiwari on behalf of respondents no. 1 to 3 is taken on record. When the case is listed next, his name be shown as counsel for the said respondents.</p> <p>Present: Shri D.S. Tiwari, learned counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>No one is present on behalf of the applicant.</p> <p>This Writ Petition No. 1848 of 2007(S/S) initially was filed before the Hon'ble Uttarakhand High Court and came on transfer before this Tribunal and registered as T.A. No. 31 of 2014.</p> <p>In this case notice was issued to the applicant which has returned back with the report of the Post Office that the applicanat is</p>

not residing at the given address, rather he is residing at Khatima Point.

Learned counsel for the respondents and the Departmental Representative are directed to effect the service of notice on the applicant, Dharam Chand, at Khatima Point.

List on 13.4.2015 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**

**M.A. No. 809 of 2014 with M.A. No. 1841 of 2014**

**Manju Joshi & Others**

By Legal Practitioner for Applicants

Applicants

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>09.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.S. Bohara, learned counsel for the applicants, and Shri D.S. Tiwari, learned counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Application No. 809 of 2014.</u></b></p> <p>This is an application, moved by the applicant, for condoning the delay in filing the O.A., which pertains to family pension.</p> <p>The facts of the case, in brief, are that the husband of the applicant, Manju Joshi, died while he was in service and after putting about 10 years of service and as such the claim of the applicants is that they are entitled to family pension.</p> <p>As per office report, there is delay of 9 years, 6 months and 28 days in filing the O.A.</p> <p>The objection, being M.A. No. 1841 of 2014, has been filed by the respondents mainly on the ground that the husband of Manju Joshi had not completed the qualifying service of 15 years for getting</p>

pension. Therefore Manju Joshi and others are not entitled to family pension.

The applicant, Manju Joshi, is the widow of late Sep. Manoj Kumar Joshi, who had left behind him the widow, Manju Joshi, and two minor children.

Accordingly, taking totality of the circumstances, M.A. No. 809 of 2014 is allowed and the delay in filing the O.A. is hereby condoned. In the circumstances, M.A. No. 1841 of 2014 is rejected. Office is directed to register the O.A.

**Original Application No. 19 of 2015.**

Heard learned counsel for the applicant on this O.A. by means of which the applicant, Manju Joshi, being the widow of late Sep. Manoj Kumar Joshi, aggrieved against denial of family pension, has claimed family pension for herself and for her two minor children by means of this O.A.

Since the matter relates to family pension, we hereby **admit** this O.A.

Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List on 14.4.2015 before the Circuit Bench at Nainital for hearing.

(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**

**M.A. No. 1429 of 2014 with M.A. No. 1430 of 2014**

**(Inre: 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

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>09.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri H.S. Sharma, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p><b><u>Misc. Application No. 1430 of 2014.</u></b></p> <p>This is an application moved by the applicant for restoration of T.A. No. 565 of 2010, which was dismissed for non-prosecution by the Bench consisting of Hon. S.C. Chaurasia, Member (J) and the then Hon. Lt. Gen. R.K. Chhabra, Member (A) as far back as on 14.12.2012. This application has been moved by the applicant on 20.10.2014 with an application for condoning the delay in moving the restoration application, which is still pending.</p> <p>The reason shown in the affidavits filed along with the restoration application and for the delay in filing the same appears to be genuine. Accordingly the delay is condoned and the restoration</p>

application is allowed. T.A. No. 565 of 2010 is restored to its original number on the condition that learned cocounsel for the applicant will deposit Rs. 500/- as cost with the Registrar of this Tribunal within a week..

List on 13.4.2015 for orders 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**

**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

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>09.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri H.S. Sharma, learned counsel for the applicant, and Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant submits that this restoration application, being M.A. No. 1432 of 2014, supported with an application, being M.A. No. 1431 of 2014, for condoning the delay in filing the restoration application have been moved since Dy. No. 162 of 2013 was dismissed for non-prosecution by the Bench consisting of Hon. S.C. Chaurasia, Member(J) and the then Hon. Lt. Gen. B.S. Sisodia, Member (A).</p> <p>No-doubt the restoration application was filed by the applicant, Balam Ram, as far back as on 15.10.2014 but learned counsel for the applicant states that later on the applicant expired leaving behind his son and widowed wife.</p>

Since the applicant has died, as such, at this juncture, no order can be passed until and unless the son of the applicant is substituted.

Learned counsel for the applicant, therefore, prays for and is granted four weeks' time to file substitution application.

List on 16.4.2015 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. 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 C.B. Nainital</b>
	<p><b><u>09.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case. However, the case is adjourned for the day.</p> <p>List again on 14.4.2015 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

<b>Notes of the Registry</b>	<b>Orders of the C.B. Nainital</b>
	<p><b><u>09.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case Shri Nagendra Prasad Badakoti claiming himself to be the father of the applicant appeared and stated that neither the applicant nor counsel is present today before this Court. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>This O.A. has been filed against the order of discharge of the applicant.</p> <p>From the order-sheets we find that this O.A. has been admitted on 4.9.2014, but inspite of time granted to the respondents counter affidavit has not yet been filed. Learned counsel for the respondents, as usual, again prays for and is granted further six weeks and no more time to file counter affidavit, failing which heavy cost will be imposed on the respondents on next date.</p>

List this case on 15.4.2015 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. 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 C.B. Nainital</b>
	<p><b><u>09.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case no one appears for the applicant, neither there is any request to adjourn/pass over the case.</p> <p>However, since no one appears for the applicant, list this case again on 16.4.2015 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**

**T.A. No. 1366 of 2010**

**Kamal Singh Rautela**

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 C.B. Nainital</b>
	<p><b><u>09.02.2015</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari learned Standing Counsel for the respondents, along with Lt. R.D. Sneha, Departmental Representative.</p> <p>On call of the case a person claiming himself to be the applicant, Kamal Singh Rautela, appeared and stated that his counsel could not come to this Court and prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>From the order-sheets it transpires that this case has not yet been admitted, though it has been listed for hearing.</p> <p>Accordingly, list this case on 14.4.2015 for admission 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>