

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

**O.A. No. 673 of 2022**

**Nk. Om Prakash Singh (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align:center">Original Application is <b>allowed</b>.</p> <p style="text-align:center">For order, see our Judgment passed on separate sheets.</p> <p style="text-align:center">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 877 of 2022**

**Ex. Nb. Sub. Vijay Kumar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Ms. Kavita Mishra, Advocate has appeared on behalf of the respondents and filed Memo of Appearance which is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri K.K. Mishra, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's disability claim has been wrongly rejected by the respondents on the ground of disability being neither attributable to nor aggravated by military service. In fact the disability is attributable to the military service.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>21.12.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>08.02.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

O.A. No. 879 of 2022 with M.A. No. 1085 of 2022

Ashish Kumar S/o Late Ex. Nk. Kishan Lal  
By Legal Practitioner for the Applicant

Applicant

**Versus**

Union of India & Others  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of Family Pension.</p> <p>There is a delay of 01 month and 12 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 879 of 2022</u></b></p> <p>Case needs adjudication. Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>21.12.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>08.02.2023</b>.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>  <b>Member (A)</b>    <b>Member (J)</b> </p> <p>AKD/-</p>

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**E-Court**

**O.A. No. 880 of 2022 with M.A. No. 1086 of 2022**

**MWO (HFO) Avnit Kumar Singh (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Abhay Kant Upadhyay, Shri Dadan Pal Vats and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Sqn. Ldr. Ashutosh Pandey, Departmental Representative for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension and there being a delay of 01 month and 12 days in filing of Original Application delay condonation application has been moved separately.</p> <p>It is submitted by the Ld. Counsel for the applicant that delay in filing of Original Application is not intentional. Further, limitation is not applicable in pensionary matters. It is also submitted that disability claim of the applicant has been wrongly rejected on the premise that disability is neither attributable to nor aggravated by military service as the matter of fact disability caused during service, hence, it is attributable to military service.</p> <p>Cause shown for delay condonation is sufficient. Hence, delay is <b>condoned</b>. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 880 of 2022</u></b></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>21.12.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>08.02.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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**E-Court**

**O.A. No. 882 of 2022 with M.A. No. 1091 of 2022**

**Tanuja Kumari Pandey W/o Late Gdsm. Abhishek Kumar Pandey**      Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing no one is present on behalf of the applicant to press the Original Application nor is there any mention to pass over the case.</p> <p>Dr. Shailendra Sharma Atal, Advocate has appeared on behalf of the respondents and filed memo of appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>List on <b>11.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>





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**E-Court**

**M.A. No. 1088 of 2022 Ine : O.A. No. 308 of 2022**

**Union of India & Others**  
By Legal Practitioner for the Applicants

Applicants

**Versus**

**Ex. Nk. Ekhalag Ahmad**  
By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Ms. Kavia Mishra, Ld. Counsel for the applicants – Union of India &amp; Others.</p> <p style="text-align: center;">For the reasons stated in affidavit filed in support of application, correction application is allowed.</p> <p style="text-align: center;">In the order dated 03.08.2002 of this Tribunal in Original Application No. 308 of 2022 the rank of the applicant be corrected as <b>“Naik”</b> in place of <b>“RFN”</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

Form No. 4  
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E-Court

M.A. No. 1089 of 2022 with M.A. No. 1090 of 2022 Inre : O.A. No. 376 of 2020

Ex. Spr. Kamal Singh Ghugatyal  
By Legal Practitioner for the Applicant

Applicant

**Versus**

Union of India & Others  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align:justify">Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align:justify">This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 04.08.2022 of this Tribunal in Original Application No. 376 of 2020.</p> <p style="text-align:justify">It is submitted by the Ld. Counsel for the applicant that applicant wants to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 01 month and 12 days in filing of application be condoned.</p> <p style="text-align:justify">In view of the facts stated in affidavit filed in support of delay condonation application, we find that cause shown is sufficient. Accordingly, delay is <b>condoned</b>. Delay condonation application stands disposed off accordingly.</p> <p style="text-align:justify">Upon hearing submissions of Ld. Counsel for the both sides, we find that no point of law of general public importance is involved so that leave may be granted.</p> <p style="text-align:justify">Accordingly, Leave to Appeal is <b>dismissed</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**E-Court**

Diary No. 2474 of 2022

**Hav. Roby Kunjumon**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Applicant has not removed the defects.</p> <p style="text-align: center;">Let defects be removed within a week failing which application will stand dismissed for non-prosecution.</p> <p style="text-align: center;">List on <b>10.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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**E-Court**

**Ex. A. No. 56 of 2018 Inre : O.A. No. 303 of 2016**

**Suman Mehrotra Sister of Late Rajiv Tondon**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>This Execution Application has been filed for implementation of order dated 21.09.2017 of this Tribunal in Original Application No. 303 of 2016 by which respondents were directed to grant disability pension to the original applicant @50% for two years to be rounded off to 75%. The respondents were further directed to refer the applicant case to Re-Survey Medical Board (RSMB) for re-assessing the medical conditions of the applicant for further entitlement of disability pension, if any.</p> <p>It is submitted by the Ld. Counsel for the respondents that disability pension has been paid to the original applicant by crediting the amount in his account. As regards RSMB, it is submitted that since original applicant died during the pendency of Execution Application, the RSMB could not be held.</p> <p>It is stated that in compliance of the order amount has been credited in original applicant's account and RSMB could not be held due to original applicant having died during the pendency of Execution Application.</p> <p>On the last date it was contended by the Ld. Counsel for the applicant that order was not complied with as nothing was credited in applicant's account on which applicant was directed to produce the up-dated copy of the original applicant's pass-book to check if amount was not credited, but the same has not been produced yet. It shows that order has been complied with.</p> <p>On the last date it was also contended by the Ld. Counsel that present applicant Smt. Suman Mehrotra, sister of the applicant is entitled to family pension being fully dependent of the original applicant. On this, she was directed to bring the proof regarding her dependency but the same has not been brought saying she could not be contacted. This shows that there is no truth in the plea and the same is therefore rejected.</p> <p>The order seems to have been complied with.</p> <p>Accordingly, Execution Application is dismissed being rendered infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava)</b> <b>Member (A)    Member (J)</b></p> <p>AKD/-</p>



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**Ex. A. No. 55 of 2021 Inre : Ex. A. No. 184 of 2018, Ex. A. No. 21 of 2020 and**  
**Inre : O.A. No. 275 of 2014**

**Ex. (Tel)-I Darshan Kumar Sharma**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that in compliance to order Corrigendum PPO dated 13.09.2022 has been issued.</p> <p style="text-align: center;">Respondents are directed to file affidavit of compliance annexing therewith copy of PPO within a week.</p> <p style="text-align: center;">List on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**E-Court**

**O.A. No. 102 of 2021 Inre : O.A. No. 355 of 2020**

**Smt. Sadhana Sharma W/o Ex. Late Sep. Jitendra Kumar Sharma** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant, Shri Ashish Kumar Singh, Ld. Counsel for the respondents and Lt. Col. Prasad Balan, Director, PS-4, IHQ of MoD (Army), New Delhi who is connected through Video Conferencing.</p> <p>This application has been filed for implementation of order dated 06.07.2021 of this Tribunal in Original Application No. 355 of 2020 by which respondents have been directed to pay Ex Gratia amounting to Rs.7.5 Lacs along with interest @9% per annum to the applicant within a period of four months from the date of order.</p> <p>Lt. Col. Prasad Balan submits that against the order dated 06.07.2021 of this Tribunal the respondents have filed Civil Appeal Diary No (s) 21540 of 2022, Union of India &amp; Others Versus Sadhana Sharma, in the Hon'ble Apex Court which was taken up for hearing along with connected matters on 16.09.2022 and the Hon'ble Apex Court was pleased to pass the following order:-</p> <p style="padding-left: 40px;"><i>“Application for leave to appeal is granted.</i> <i>Delay condoned.</i> <i>Issue notice, returnable in the month of February, 2023.</i> <i>Notice would be given dasti as well.</i></p> <p style="padding-left: 40px;"><i>In the meanwhile, subject to the petitioner depositing Rs.7.5 lakhs in the Registry of this Court within a period of four weeks, there shall be stay of the impugned order. The said deposit would be converted into an interest bearing Fixed Deposit Receipt (FDR) for a period of one year.”</i></p>

Lt. Col. Prasad Balan further submits that respondents have not deposited the amount as ordered by the Hon'ble Apex court rather they have decided to make conditional implementation of the order for which the case file of the applicant was forwarded to Ministry of Defence, Department of Pay and Allowances on 04.10.2022. Department of Pay and Allowances after examining the case file of the applicant, forwarded the file to Ministry of Defence, Finance Section for according sanction, which on 28.10.2022 has returned the same to PS Directorate with observation to seek the opinion of Additional Solicitor General of India. He further submits that Additional Finance Advisor in Ministry of Defence has advised the respondents to seek the opinion of Additional Solicitor General of India. Thus, he submits that for the aforesaid reasons the order could not be implemented.

From the above, it appears that respondents are sitting over the matter since long, either in the name of filing Appeal or seeking legal opinion. They are not even bothered about the order of the Hon'ble Apex Court as despite there being an order to deposit Rs.7.5 Lakhs in the registry of Supreme Court within a period of four weeks from the date of order i.e. 16.09.2022, they have chosen chose not to deposit the amount and also not to implement the order on one or the other reason. This is a glaring example of disobedience of not only this Tribunal's order but also the Hon'ble Apex Court.

In the circumstances, we feel it proper to summon Additional Finance Advisor, Ministry of Defence, New Delhi to appear in person before the Tribunal on the next date fixed to explain the reasons by filing affidavit why necessary action be not taken against him for non-compliance of the order.

Accordingly, registry is directed to issue notice to Additional Finance Advisor, Ministry of Defence, New Delhi directing him to appear in person before the Tribunal on the next date fixed and to file his personal affidavit setting forth reasons for not taking necessary action against him for non-compliance of the order.

List on **02.12.2022**.

Let copy of this order be provided to the Ld. Counsel for the respondents as well as to AFT Legal Cell for compliance.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

AKD/-

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**Ex. A. No. 33 of 2022 Inre : O.A. No. 443 of 2019**

<b>Ex. Nk. Pandu Kumar Reddy</b> By Legal Practitioner for the Applicant	<b>Versus</b>	Applicant
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents assisted by Major Sini Thomas, Departmental Representative of the respondents and Lt. Col. Poltu Das, Senior Records Officer, Artillery Records, who are connected through Video Conferencing.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that as per legal opinion received from Additional Solicitor General of India, respondents wish to file Appeal in the Hon'ble Apex court against the decision of this Tribunal, three weeks further time be granted to bring the stay order.</p> <p style="text-align: center;">Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant submits that since no Appeal has been filed till date, heavy cost should be imposed upon the respondents with direction to deposit at earliest.</p> <p style="text-align: center;">Considering the facts and circumstances of the case, three weeks further time is granted to bring stay order after filing Special Leave Petition in the Hon'ble Apex Court on payment of Rs.15,000/- as cost payable to the applicant. It is directed that in the event of stay order being not filed, the officer responsible for implementation of the order shall remain physically present in Tribunal to file his personal affidavit on the next date fixed why necessary action be not taken against him for non-compliance of the order.</p> <p style="text-align: center;">Respondents are directed to deposit the entire costs due against them by the next date fixed.</p> <p style="text-align: center;">List on <b>30.11.2022</b>.</p> <p style="text-align: center;">Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**E-Court**

**Ex. A. No. 208 of 2022 Inre : O.A. No. 464 of 2021**

**Ex. Nk. Desh Raj Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-indent: 40px;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents assisted by Major Tejas, Departmental Representative for the respondents.</p> <p style="text-indent: 40px;">It is submitted by the Ld. Counsel for the respondents that in compliance to order the DSC Records has sent letter dated 22.09.2022 requiring the applicant to furnish documents/information mentioned in the letter to the Records at the earliest so that case may be processed for implementation of the order. It is further submitted that as soon documents/information are received, the case should be immediately processed for implementation of the order. A copy of letter has been forwarded today to the Ld. Counsel for the applicant also.</p> <p style="text-indent: 40px;">In view of the above, four weeks further time is granted to file affidavit of compliance.</p> <p style="text-align:center">List on <b>15.12.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>          <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**M.A. No. 913 of 2022 with M.A. No. 914 of 2022 Inre : O.A. No. 45 of 2016**

**Ex. Sep. Yogesh Giri**  
 By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri D.S. Kauntae, Ld. Counsel for the applicant is present in Tribunal.</p> <p style="text-align: center;">Ms. Appoli Srivastava, Ld. Counsel for the respondents is present through Video Conferencing.</p> <p style="text-align: center;">In regard to order dated 19.09.2022, Ld. Counsel for the applicant submits that he wants to file a Supplementary Affidavit, time be granted for the same, which is allowed.</p> <p style="text-align: center;">Supplementary Affidavit may be filed within three weeks after furnishing its copy to the Ld. Counsel for the respondents, who may file reply, if any, by the next date fixed.</p> <p style="text-align: center;">List on <b>01.12.2022</b>.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>  <b>Member (A)</b></p> </div> <div style="text-align: center;"> <p><b>(Justice Umesh Chandra Srivastava)</b>  <b>Member (J)</b></p> </div> </div> <p style="text-align: left; margin-top: 10px;">AKD/-</p>

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

**M.A. No. 915 of 2022 with M.A. No. 916 of 2022 Inre : M.A. No. 1847 of 2017**  
**Inre : O.A. No. (Nil) of 2017**

**Sep. (Cook) Prahlad Ram Meena**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p><b><u>M.A. No. 915 of 2022 with M.A. No. 916 of 2022</u></b></p> <p>Heard Shri D.S. Kauntae, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>This application has been filed to recall the order 24.11.2021 in Misc. Application No. 1847 of 2017 Inre : Original Application No. (Nil) of 2017. By means of this order Misc. Application along with Original Application has been dismissed in default.</p> <p>In view of facts stated in affidavit filed in support of delay condonation application, we find that delay should be condoned.</p> <p>Accordingly, delay is <b>condoned</b> and recall application is <b>allowed</b>.</p> <p>The order dated 24.11.2021 in Misc. Application No. 1847 of 2017 Inre : Original Application No. (Nil) of 2017 is set aside and case is restored to its number.</p> <p><b><u>M.A. No. 1847 of 2017 Inre : O.A. No. (Nil) of 2017</u></b></p> <p>List on <b>01.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**M.A. No. 936 of 2022 with M.A. No. 937 of 2022 Inre : M.A. No. 1513 of 2018**  
**Inre : O.A. No. (Nil) of 2018**

**Ex. Hav./Clk. Ram Kuwar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri D.S. Kauntae, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal , Ld. Counsel for the respondents are present.</p> <p>This application has been filed to recall the order dated 05.10.2020 of this Tribunal in M.A. No. 1513 of 2018 Inre : O.A. No. (Nil) of 2018.</p> <p>There being a delay in filing of recall application, an application for condonation of delay has been filed.</p> <p>Ld. Counsel for the respondents states that respondents wish to file objection, time be granted for the same, which is allowed.</p> <p>Objection may be filed within three weeks.</p> <p>List on <b>01.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 386 of 2021**

**Cpl. Chandan Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ram Bachan Yadav, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>No Counter Affidavit has been by the respondents despite several opportunities being granted for the same, however, a Rejoinder Affidavit has been filed which is on record which shows that copy of Counter Affidavit to be filed has been furnished to the applicant.</p> <p>Counter Affidavit must be filed within a week failing which opportunity to file the same shall stand closed without any reference.</p> <p>List on <b>11.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 883 of 2022 with M.A. No. 1092 of 2022**

**Ex. L/Nk. Ritesh Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Shri Rajiv Narayan Pandey, Advocate has appeared on behalf of the respondents and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Shri V.K. Chahar , Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of second MACP to the applicant.</p> <p style="text-align: justify;">There is a delay of 02 years and 16 days in filing of Original Application.</p> <p style="text-align: justify;">Ld. Counsel for the applicant submits that delay in filing of Original Application is not intentional, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align: justify;">The Ld. Counsel for the respondents has vehemently opposed the prayer on the ground that delay has not been properly and satisfactorily explained.</p> <p style="text-align: justify;">Considering the facts averred in affidavit we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 883 of 2022</u></b></p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 18.04.2022 and discharged on 30.04.2019 after having rendering more than 16 years of service and in view of Government of India Policy and Judgment of Armed Forces Tribunal, Regional Bench, Kochi in the case of Original Application No. 170 of 2016, <i>Ex. Hav. Subair P. Versus Union of India &amp; Others</i>, the applicant is entitled to grant of 2<sup>nd</sup> MACP, but the same was not granted to him.</p> <p style="text-align: justify;">Case needs adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on <b>22.12.2022</b> for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on <b>10.02.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 884 of 2022 with M.A. No. 1093 of 2022**

**Ex. Hav. Jagvir Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri V.K. Chahar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>In view of order dated 10.01.2022 of the Hon'ble Apex Court in Miscellaneous Application No. 21/2022 in MA 665/2021 in Suo Motu Writ Petition (C) No.3/2020, there is no delay in filing of Original Application, however, an application for condonation of delay has been moved which being not required is dismissed.</p> <p>Case needs adjudication. Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>22.12.2022</b> for exchange of pleadings. List the matter before Tribunal on <b>10.02.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 885 of 2022 with M.A. No. 1095 of 2022**

<b>Ex. JWO Baldev Singh Grewal</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Shri J.N. Mishra, Advocate has appeared on behalf of the respondents and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri V.K. Chahar , Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant on the ground that disability claim raised by the applicant has been wrongly rejected by the respondents.</p> <p>There being a delay of 19 years and 07 months in filing of Original Application an application for condonation of delay has been filed stating that delay in filing the Original Application is not deliberate.</p> <p>It is submitted by the Ld. Counsel for the applicant that law of limitation is not applicable in pensionary matters.</p> <p>Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 885 of 2022</u></b></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>22.12.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>10.02.2023</b>.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>  <b>Member (A)</b>    <b>Member (J)</b> </p> <p>AKD/-</p>

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

**O.A. No. 887 of 2022 with M.A. No. 1097 of 2022**

**Ex. Rfn. Janak bahadur Chand**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Dr. Shailendra Sharma Atal, Advocate has appeared on behalf of the respondents and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Vinay Pandey , Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed against order dated 28.01.2005 of Summary Court Martial by which applicant has been dismissed from service.</p> <p>There being a delay of 15 years, 03 months and 04 days in filing of Original Application a delay condonation application has been filed.</p> <p>Ld. Counsel for the respondents prays for and is granted two weeks time to file objection.</p> <p>List on <b>17.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 576 of 2022**

**Ex. Sgt. Rakesh Kumar Sharma**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on <b>14.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 578 of 2022**

**Hav. Virender Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u><b>01.11.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit.</p> <p>List on <b>02.12.2022</b>.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 582 of 2022**

**Lt. Col. Sharma vipin Jaishree Radheshyam (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri Ashok Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents. Original Application is <b>allowed</b>. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 583 of 2022**

**Ex. CHM Lalit Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">On the case being taken up for hearing Shri Ashok Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">On the request of Ld. Counsel for the respondents, a week further time is granted to file Counter Affidavit as a last chance.</p> <p style="text-align:center">List on <b>18.11.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 577 of 2022**

**Ex. WO Jai Shankar Panda** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on <b>14.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 579 of 2022**

**Ex. Sgt. Dhananjaya Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u><b>01.11.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on <b>14.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>





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

O.A. No. 475 of 2021

**Sub /Int (GD) Gagan Chand**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the applicant that rejoinder affidavit will be filed in the Registry day after tomorrow. It is further submitted that since the matter pertains to grant of promotion, it may be listed in physical hearing.</p> <p>List on <b>29.11.2022</b> for physical hearing.</p> <p>On the date fixed, the respondents shall produce original documents of the case including proceedings of DPC 2020 for perusal of the Bench.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>SB</p>







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

**O.A. No. 33 of 2022**

**Ex. Sub Asha Ram**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Shri Raj Kumar Mishra, learned counsel submits that he has filed Vakalatnama on behalf of the applicant in the Registry, however, no such Vakalatnama is available on record.</p> <p>Registry is directed to trace the same and place it on record within a week.</p> <p>List on <b>15.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>



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

O.A. No. 420 of 2022

<p><b>Ex. Sigmn Samiran Debnath</b> By Legal Practitioner for the Applicant</p>	<p><b>Versus</b></p>	<p>Applicant</p> <p>Respondents</p>
<p><b>Union of India &amp; Others</b> By Legal Practitioner for Respondents</p>		

Notes of the Registry	Orders of the Tribunal		
	<p><b><u>01.11.2022</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit has been filed by the respondents which is taken on record.</p> <p>In the counter affidavit, respondents have stated that applicant was earlier granted 2<sup>nd</sup> MACP which was later withdrawn on account of Unwillingness certificate furnished by him. However, copy of said Unwillingness certificate has not been filed alongwith counter affidavit.</p> <p>Let it be filed by way of supplementary affidavit within a week. Thereafter, applicant will have two weeks time to file rejoinder affidavit, if any.</p> <p>List on <b>29.11.2022</b>.</p> <p style="text-align: center;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A) </td> <td style="width: 50%; text-align: center;"> <b>(Justice Umesh Chandra Srivastava)</b> Member (J) </td> </tr> </table> </p> <p>SB</p>	<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)
<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)		

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

**O.A. No. 421 of 2022**

**Ex. Sub Maj (Hony Capt) Akhilesh Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents states that counter affidavit in the matter will be filed in the Registry within three days.</p> <p>List on <b>13.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava)</b> <b>Member (A)    Member (J)</b></p> <p>SB</p>

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

**O.A. No. 422 of 2022**

**Ex. Sub Ajay Kumar Awasthi**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the applicant that he has not received copy of counter affidavit.</p> <p>Copy of counter affidavit be provided to learned counsel for the applicant within three days. Thereafter, applicant will have two weeks time to file rejoinder affidavit, if any.</p> <p style="text-align: center;">List on <b>14.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>SB</p>

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

**O.A. No. 466 of 2022**

**Ex. Sgt. Shiva Kumara SK**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Raj Kumar Mishra, Shri Bipin Kumar Sharma and Shri Kapil Sharma, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents.</p> <p>Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 20.06.2001 and retired on 30.06.2021 is entitled for grant of last increment due on 01.07.2021 as per decision of the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, Ex HFL Sarvesh Kumar vs. Union of India &amp; Ors, decided on 12.08.2021.</p> <p>On the other hand, Ld. Counsel for the respondents contended that the applicant had served for complete one year from the date of his last annual increment, but he had not been granted annual increment as on the date of his discharge i.e. 30.06.2021 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2021. Therefore, benefit of the Hon'ble Madras High Court order being <i>in personam</i> cannot be extended to the applicant and hence, Original Application is liable to be dismissed.</p> <p>The law on notional increment has already been settled by the Hon'ble Madra High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-</p> <p style="text-align: center;">“5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment</p>

for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.

6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep. by its [Secretary to Government, Finance Department and others v. M. Balasubramaniam](#), reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.

7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

In view of law laid down by the Hon'ble Madras High Court, upheld by the Hon'ble Apex Court, we are of the view that since the applicant had completed one full year service as on 30.06.2021, but the increment fell due on the next day of his retirement 01.07.2021, on which date he was not in service, he has to be treated as having completed one full year of service.

In view of the above, the Original Application is allowed. The impugned order, if any, is set aside. The applicant shall be given one notional increment for the period from 01.07.2020 to 30.06.2021, as he has completed one full year of service, though his increment fell on 01.07.2021, for the purpose of pensionary benefits and not for any other purpose. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

Let a copy of this order be provided to the learned Counsel for the parties.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

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

**O.A. No. 658 of 2022**

**Sub Umakant Tiwari (Retd)**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Maj Sini Thomas, Departmental Representative for the respondents are present.</p> <p>Maj Sini Thomas, Departmental Representative for the respondents states that para-wise comments in the matter have been received and counter affidavit will be filed within two weeks.</p> <p>Counter affidavit must be filed within two weeks failing which opportunity shall stand closed without any reference.</p> <p>List on <b>14.12.2022</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>

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

**O.A. No. 811 of 2022 with M.A. No. 1007 of 2022**

**Smt. Ratnamani Sahu, W/o Late Cfn Durga Charan Sau and another** Applicants  
By Legal Practitioner for the Applicant

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Anurag Shukla, Shri Dharam Raj Singh, Shri Kanurnanidhi Yadav and Ms. Gitanjali Nayak, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents No. 1 to 4 and Shri Ashutosh Kumar Srivastava, learned counsel for the respondent No. 5 are present.</p> <p>A preliminary objection has been raised by the respondent Nos. 1 to 4 regarding maintainability of the application on the ground that both applicants are neither residing within the territorial jurisdiction of this Tribunal nor the death of their son took place. If both are residents of Orissa and death of their son also took place in Orissa, therefore, this Tribunal has no territorial jurisdiction to interfere with the application.</p> <p>One more objection has been raised to the effect that wife of deceased soldier has not been made a party in the application.</p> <p>Applicants are directed to implead wife of the deceased soldier as respondents in the application for which steps be taken within a week.</p> <p>In regard to territorial jurisdiction, learned counsel for the applicant prays for and is granted two weeks time to file documentary proof.</p> <p>List on <b>13.12.2022</b>.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)    Member (J)</p> <p style="text-align: left;">SB</p>

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

**O.A.(A) No. 91 of 2022 with M. A. No. 127 of 2022**

**Ex. Sep. Ajay Singh (Through Pairokar Smt. Poonam Yadav) (Wife)** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing no one is present on behalf of the applicant nor there is any mention to pass over the case.</p> <p>Maj Sini Thomas, Departmental Representative for the respondents is present.</p> <p>List on <b>03.01.2023</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>

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

**T.A. No. 9 of 2021 Dy.No. 5030 of 2021 AFT (PB) New Delhi**

**Sub Ram Prawesh Mani**  
By Legal Practitioner for the Petitioner

Petitioner

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on <b>29.11.2022</b> for hearing.</p> <p style="text-align: center;">Original documents to be retained by AFT Legal Cell and the same shall be produced before the Bench for perusal on the next date fixed.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>SB</p>

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

**O.A. No. 9 of 2019**

**Maj. Anshuman Singh Chandel**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>01.11.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align:justify">On the case being taken up for hearing Shri SSL Srivastava, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align:justify">List on <b>28.11.2022</b> for physical hearing.</p> <p style="text-align:justify"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>

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

**O.A. No. 469 of 2019**

**Ex. Rect. Chandrabhan Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>		
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the applicant, list on <b>29.11.2022</b> for physical hearing.</p> <table border="0" style="width: 100%;"><tr><td style="width: 50%; text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</td><td style="width: 50%; text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</td></tr></table> <p style="text-align: left;">SB</p>	<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)
<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)		

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

**O.A. No. 391 of 2020**

**Ex. Rect. Jitendra Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>01.11.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>Vakalatnama has been filed today by Shri Raj Kumar Mishra on behalf of the applicant which is taken on record.</p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri R.C Shukla, Ld. Counsel for the respondents are present.</p> <p>List on <b>17.11.2022</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p>
SB	

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

**O.A. No. 460 of 2020**

**Ex. Sgt. Rahul Prakash**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u><b>01.11.2022</b></u>  <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u>  <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents alongwith Wg Cdr Ashutosh Pandey, Departmental Representative for the respondents are present.</p> <p>It is submitted by Wg Cdr Ashutosh Pandey, Departmental Representative that instructions in the matter are still awaited, hearing be adjourned.</p> <p>In view of aforesaid, the case is adjourned today.</p> <p>List on <b>12.12.2022</b>.</p> <p style="display: flex; justify-content: space-between;"> <span><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</span> <span><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span> </p> <p>SB</p>



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

O.A. No. 167 of 2021

**Smt. Prem Bati W/o Late Ex. Nb Sub Ram Sarup Prasad**                      Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, Ld. Counsel for the applicant and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 to 7 are present.</p> <p>No one is present on behalf of learned counsel for the respondent Nos. 1 to 4 nor counter affidavit has been filed.</p> <p>One counter affidavit which has been filed on behalf of respondent Nos. 1 to 4 in the case is not related to this case but to some other case filed by the same applicant. Therefore, time was sought again by Shri Amit Jaiswal, Advocate to file counter affidavit in the case but unfortunately the same has not been filed yet.</p> <p>Counter affidavit on behalf of respondent Nos. 1 to 4 be filed within three weeks without fail else it will be assumed that no counter affidavit is to be filed by these respondents and the case shall proceed accordingly.</p> <p style="text-align:center">List on <b>14.12.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>SB</p>

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

**R.A. No. 19 of 2019 with M.A. No. 211 of 2021 Inre T.A. No. 1257 of 2010**

**Ex. Hav. R.D. Tripathi**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shri Namit Sharma, Ld. Counsel for the respondents is present.</p> <p>It is submitted by Shri Shiv Kant Pandey, learned counsel that he has been engaged as counsel in the case by the applicant, time be granted to file Vakalatnama which is allowed.</p> <p>Vakalatnama must be filed within three weeks.</p> <p>List on <b>14.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)                                      Member (J)</p> <p>SB</p>

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

T.A. No. 284 of 2010

**Umesh Kumar Chourasia**  
By Legal Practitioner for the Petitioner

Petitioner

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p>Shri Raj Kumar Mishra appearing on behalf of the applicant submits that he has filed Vakalatnama in this case on behalf of the applicant in the Registry. The said Vakalatnama is not available on record.</p> <p>Registry is directed to trace the same and place it on record within two weeks.</p> <p>List on <b>30.11.2022</b> for final hearing in physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>SB</p>

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

**T.A. No. 39 of 2017**

**Govind Singh Negi**  
By Legal Practitioner for the Petitioner

Petitioner

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri SG Singh, Ld. Counsel for the petitioner and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>The case needs physical hearing.</p> <p>List on <b>02.12.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>

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

**E-Court**

**O.A. No. 881 of 2022**

**Ex. Sgt. Ram Milan Singh & Others**  
By Legal Practitioner for the Applicants

Applicants

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Alok Kumar Mishra, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Shiv Nath Goswami and Shri Dilip Kumar Goswami, learned counsel for the applicants and Shri Alok Kumar Mishra, learned counsel for the respondents.</p> <p>Learned Counsel for the applicants submits that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicants being enrolled in the Indian Air Force and retired on 30.06.2022 are entitled for grant of last increment due on 01.07.2022 as per decision of the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA No. 272 of 2022, <b>Ex Sgt. Chanda Basha Syed vs. Union of India &amp; Others</b>, decided on 27.05.2022.</p> <p>On the other hand, Ld. Counsel for the respondents contended that the applicants had served for complete one year from the date of their last annual increment, but they had not been granted annual increment as on the date of their discharge i.e. 30.06.2022 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2022. Therefore, benefit of the Hon'ble Madras High Court order being <i>in personam</i> cannot be extended to the applicants and hence, Original Application is liable to be dismissed.</p> <p>The law on notional increment has already been settled by the Hon'ble Madra High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-</p> <p style="text-align: center;">“5. <i>The petitioner retired as Additional Director General, Chennai on</i></p>

30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.

6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep. by its Secretary to Government, Finance Department and others v. M. Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.

7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

In view of law laid down by the Hon'ble Madras High Court, upheld by the Hon'ble Apex Court, we are of the view that since the applicants had completed one full year service as on 30.06.2022, but the increment fell due on the next day of their retirement 01.07.2022, on which date they were not in service, they have to be treated as having completed one full year of service.

In view of the above, the Original Application is **allowed**. The impugned orders, if any, are set aside. The applicants shall be given one notional increment for the period from 01.07.2021 to 30.06.2022, as they have completed one full year of service, though their increment fell on 01.07.2022, for the purpose of pensionary benefits and not for any other purpose. The respondents are directed to issue fresh Corrigendum P.P.Os. to all three applicants accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment.

Let a copy of this order be provided to the learned Counsel for the parties.

(Vice Admiral Abhay Raghunath Karve)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)