

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 787 of 2022 with M.A. No. 977 of 2022

Major J. Belwal

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>11.11.2022</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>1. Objection to delay condonation application filed by the respondents is taken on record.</p> <p>2. None is present on behalf of the applicant to advance arguments hence we have heard only Dr Shailendra Sharma Atal, learned counsel for the respondents only.</p> <p>3. Applicant has pleaded that he was commissioned in 66 Armed Regiment in Indian Army on 10.03.1984. During service, he suffered from SPONDYLOLIYTHSIS LV 5 OVER S1(M-53) in the year 1994 and from PRIMARY HYPERTENSION in the year 1999 on account of which he was placed in low medical category. He was granted substantive rank of Lt. Col. (TS) vide Part II Order No. 17/2004 dated 13 September 2004 with effect from 10.03.2004 but as he voluntarily retired from service with effect from 25.10.2004, the order granting substantive rank of Lt. Col. (TS) could not be implemented as a result of which he retired in the rank of Major and is getting the pension of the same rank. Thereafter, he kept writing to the AHQ requesting them to grant him the rank of Lt. Col. (TS) with pensionary benefits but it did not yield any result.</p> <p>4. In regard to delay, he has pleaded that limitation is not applicable in pensionary matters.</p>

5. Learned counsel for the respondents has submitted that there is inordinate delay of 5863 days in filing the application which the applicant has not explained at all and, in this situation, application should be dismissed being barred by time without inviting the counter.

6. It is undisputed that this application for the grant of the rank of Lt. Col. (TS) with pensionary benefits has been filed after about 18 years from the date of retirement of the applicant and after excluding the COVID-19 period there is a long delay of 5863 days in filing the application which the applicant has taken very casually saying limitation is not applicable in pensionary matters. He has not bothered to realise that it is not a simple case of grant of pensionary benefits. Pensionary benefits in the rank of Lt. Col. (TS) can only be granted if the rank of Lt. Col. (TS) is granted and, hence, applicant was obligated to offer satisfactory explanation on day to day basis of the long delay caused in filing the application, he could not have taken it casually which he did. Since no explanation, what to say of satisfactory explanation, regarding delay has been offered by the applicant, we do not find any reason to invite counter after condoning the inordinate delay of 5863 days in filing the application.

7. In the result, Original Application is **dismissed** being barred by time.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A. No. 356 of 2019 Inre : O.A. No. 152 of 2016

Arvind Kumar Dubey

Applicant

By Legal Practitioner for the Applicant

Versus

Lt. Col. Anirban Deka & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.11.2022</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>1. Heard Shri Vijay Kumar Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>2. Applicant has filed this application under section 340 of the Criminal Procedure Code for filing complaint against Lt. Col. Anirban Deka son of Late B.N. Deka for suppressing material facts regarding setting aside the order of severe reprimand awarded to him while filing Counter Affidavit in Original Application No. 152 of 2016.</p> <p>3. Learned counsel for the applicant submits that while posted as NCO in charge of Canteen Stores Department of Military Hospital, Dehradun applicant was summarily tried for the offence under Section 63 of the Indian Army Act,1950 and being found guilty in the trial he was punished with severe reprimand and 14 days pay fine. Against this order applicant had filed an Original Application No. 152 of 2016 under Section 14 of the Armed Forces Tribunal Act, 2007 wherein he had prayed for setting aside the order of the punishment. In the said Original Application respondents were asked to file counter affidavit but before the counter being filed the order of severe reprimand was quashed by the</p>

respondents. However, in the counter affidavit, which was filed by Lt. Col. Anirban Deka, the facts relating to setting aside of the order of the severe reprimand and fourteen days pay fine was suppressed as a result of which the Original Application continued proceeded till it was dismissed being rendered infructuous. He submits that Lt. Col. Anirban Deka concealed the truth of order of severe reprimand being set aside while filing counter affidavit in the Original Application. which amounts to an offence referred to under clause (b) of Sub-Section (1) of section 195 of the Code of Criminal Procedure,1973,a complaint be filed against him in the court of competent Magistrate for being tried and punished for the said offence.

4. Learned counsel for the respondents, on the other hand, submits that present application is a sheer misuse of process of the court and it should be dismissed as such. It is a known fact to all that in a case against Union of India reply/counter affidavit which is filed is based on comments received from the concerned Department. In the instant case when comments for filing counter affidavit were forwarded to the counsel of the respondents the order of severe reprimand awarded against the applicant was in force, it was not set aside hence facts relating to same could not be mentioned in the counter affidavit. As soon these facts came to notice they were brought to the notice of the Tribunal and the Original Application was dismissed being rendered infructuous. Lt. Col. Anirban Deka had no intention behind not disclosing the facts of setting aside the punishment in the counter nor there ever any such intention could be. He had no intention to cause any harm to the applicant nor by not disclosing the facts he has committed any of the offences referred to in clause(b) of sub-section(1) of section 195 of the Code of Criminal Procedure,1973 so as to prosecute him by filing complaint against him in the court of Magistrate.

5. Section 340 of the Code of Criminal Procedure embodies provisions as to offences affecting the administration of justice and it reads as under.

"340. Procedure in cases mentioned in section 195 :-

(1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub- section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,-

(a) record a finding to that effect;

(b) make a complaint thereof in writing;

(c) send it to a Magistrate of the first class having jurisdiction;

(d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and

(e) bind over any person to appear and give evidence before such Magistrate.

(2) The power conferred on a Court by sub- section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub- section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub- section (4) of section 195.

(3) A complaint made under this section shall be signed,-

(a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;

(b) in any other case, by the presiding officer of the Court.

(4) In this section, " Court" has the same meaning as in section 195.

6. On reading the above it appears that if in relation to a proceeding, in respect of a document produced or given in evidence in that court, any offence referred to in clause(b) of sub-section(1) of section 195 appears to have been committed, that court, upon an application made to it in this regard or otherwise, may hold a preliminary inquiry and, after such inquiry, if necessary, make a complaint thereof in writing to a Magistrate

of the first class having jurisdiction.

7. Section 195 of the Code of Criminal Procedure, 1973 talks about prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence and clause (b) of sub-section(1) which is relevant for disposal of this application speaks about the following offences -

“(b) (i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or

(ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii), except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate.”

8. A conjoint reading of section 340 Cr P C and clause(b) of sub-section (1) of section 195 makes clear that if in relation to any document produced or given in evidence in a proceeding in a court an offence referred to in clause (b) of sub-section (1) of Section 195 has been committed and that court, upon an application made to it in this behalf or otherwise, is of opinion that it is expedient in the interest of justice, may hold a preliminary inquiry and, after such inquiry, if necessary, may make a complaint in writing to a Magistrate of first class having jurisdiction. Clause(b) of sub-section(1) refers following offences of the Indian Penal Code, namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211(both inclusive), 228, 230, 463, 471, 475 and 476 and criminal conspiracy to commit, or attempt to commit, or the abetment of any of the above offences.

9. On examining the facts of the present case we find that in respect of irregularities committed by the applicant while posted as Non Commissioned Officer in charge of Canteen Stores Department of Military Hospital Dehradun a court of inquiry was conducted. In the said inquiry applicant was held guilty and sentenced with Severe Reprimand and Fourteen days Pay Fine against which he had filed Original Application No.152 of 2016 in this Tribunal. In the said Original Application respondents filed reply/counter affidavit for which Lt. Col. Anirban Deka had sworn in the affidavit on 21.12.2017. Counter Affidavit sworn in by Lt. Col. Anirban Deka was based on the comments received from the concerned Department which were forwarded to AFT Cell vide letter dated 13 August 2016. AFT Cell forwarded those comments to Central Government Standing Counsel for preparation of Counter Affidavit vide their letter dated 19 August 2016 and the Central Government Standing Counsel prepared the Counter Affidavit in December 2017.

10. It further appears that before filing Original Application in Tribunal applicant had preferred a statutory complaint against the punishment awarded to him which was forwarded to the competent authority for decision. The said complaint was decided on 07 August 2017 and punishment awarded to the applicant was set aside. The facts relating to setting aside of the punishment came to notice when documents relating to applicant were perused by the respondents after they were ordered to produce the original documents pertaining to the case by the Tribunal.

11. From the above, it appears that punishment awarded to the applicant had been set aside much before the filing of the counter affidavit in the Original Application and this being the status of the punishment, respondents were under obligation to bring those facts to the notice of the Central Government Standing Counsel in order to bring the same to the notice of the Tribunal by way of counter affidavit which they failed. Respondents are collectively liable for this failure and not Lt. Col. Anirban Deka who has sworn in the affidavit based on the

comments received from the concerned Department. Therefore, Lt. Col. Anirban Deka can not be blamed for not disclosing the facts relating to setting aside of the punishment in the counter affidavit.

12. Further, no motive can be imputed to Lt. Col. Anirban Deka for not stating the facts relating to setting aside of the punishment nor any offence referred to in clause (b) of sub-section (1) of section 195 of the Code of Criminal Procedure can be said to have been committed by concealing the facts. This can be said to be an irresponsible behaviour only on behalf of the respondents for which they are blameworthy but, to this, in any stretch of imagination, respondents or any of them or Lt. Col. Anirban Deka, who has sworn in the affidavit, can not be held to have committed any of the offences referred to in clause (b) of sub-section (1) of section 195 of the Code of Criminal Procedure.

13. In view of the above, no action is required to be taken in the matter, application needs to be dismissed.

14. Accordingly, application is **dismissed**.

15. Pending applications, if any, also stand disposed of.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

O.A. No. 644 of 2022

Ex. Hav. Awadhesh Kumar Dixit
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>11.11.2022</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: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. Original Application is allowed. 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;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 909 of 2022

Ex. Sgt. Mukesh Kumar Dhaker
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>11.11.2022</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>Shri Ramesh Chandra Shukla, Advocate has appeared on behalf of the respondents and filed Memo of Appearance which is taken on record.</p> <p>Heard Shri Bipin Kumar Sharma, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p>Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1st 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 <i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in O.A. No. 366 of 2020, <i>Ex HFL Sarvesh Kumar vs. Union of India & Ors</i>, 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</p>

Hon'ble Madras High Court order being *in personam* cannot be extended to the applicant and hence, Original Application is liable to be dismissed.

The law on notional increment has already been settled by the Hon'ble Madra High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (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:-

“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 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, subject to verification of documents. 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)

AKD/-

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

O.A. No. 911 of 2022 with M.A. No. 1125 of 2022

Ex. Nk. Madhan Ram

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>11.11.2022</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>Shri Rajiv 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>Heard Shri Raj Kumar Mishra, Ms. Upasna Misahra and Lt. Col. Nidhikant Dhyani (Retd.), Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1125 of 2022</u></p> <p>This application has been for condoning the delay of 30 years, 08 months and 14 days in filing of Original Application.</p> <p>Ld. Counsel for the applicant submitted that delay in filing of Original Application is not intentional. He further submits that 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><u>O.A. No. 911 of 2022</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was discharged from service in low medical category before fulfilling the conditions of tenure of the service and his claim for the grant of disability pension was wrongly denied by the PCDA (Pension), Prayagraj despite disability being aggravated by 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 16.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 14.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 921 of 2022 with M.A. No. 1134 of 2022

Ex. Sgt. Vinod Kumar 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>11.11.2022</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 R.K.S. Chauhan, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Shri V.P. Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">There is a delay of 01 year, 10 months and 18 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><u>O.A. No. 921 of 2022</u></p> <p style="text-align: justify;">Heard Shri V.P. Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1st July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 19.06.1998 and retired on 30.06.2018 is entitled for grant of last increment due on 01.07.2018 as per decision of the Hon'ble Madras High</p>

Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in O.A. No. 366 of 2020, ***Ex HFL Sarvesh Kumar vs. Union of India & Ors***, decided on 12.08.2021.

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. 30.06.2018 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2018. Therefore, benefit of the Hon'ble Madras High Court order being *in personam* cannot be extended to the applicant and hence, Original Application is liable to be dismissed.

The law on notional increment has already been settled by the Hon'ble Madra High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (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:-

“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 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 30.06.2018, but the increment fell due on the next day of his retirement 01.07.2018, 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 01.07.2017 to 30.06.2018, as he has completed one full year of service, though his increment fell on 01.07.2018, for the purpose of pensionary benefits and not for any other purpose, subject to verification of documents. 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)

AKD/-

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

Ex. A. No. 26 of 2020 Inre : O.A. No. 19 of 2019

Ex. Sep. Munna Singh 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>11.11.2022</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>Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents assisted by Major Tarun, Departmental Representative for the respondents.</p> <p>It is submitted by the Ld. Counsel for the respondents that Government Sanction is still awaited. In regard to non-presence of the officer, the Ld. Counsel submitted that certified copy of the order being not received, the same could not be communicated to the officer concerned. He further submitted that one more chance be given to the respondents for compliance of the order.</p> <p>The order which is to be implemented is dated 16.05.2019 and it pertains to grant of disability pension.</p> <p>Considering the facts and circumstances of the case it appears that officers responsible for implementation of the order are not serious at all regarding implementation of the order and this is the reason that despite the order passed on 16.05.2019, the same has not yet been complied with.</p> <p>In the circumstances, we have no option but to direct the registry of this Tribunal to issue notice to the Director, PS Directorate-4, IHQ of MoD (Army), New Delhi to procure his appearance on the next date fixed to explain the reason why necessary action be not taken against him for non-compliance of the order.</p>

Accordingly, registry is directed to issue notice to the Director, PS Directorate-4, IHQ of MoD (Army), New Delhi to appear in person before the Tribunal on the next date fixed to explain the reason as to why necessary action be not taken 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/AFT Legal Cell for compliance.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

Ex. A. No. 41 of 2022 Inre : O.A. No. 258 of 2018

Ex. Gnr. Ashish Kumar Pandey
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>11.11.2022</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: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant, Ms. Anju Singh, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6.</p> <p style="text-align: center;">An affidavit of compliance has been filed by Mohd. Zafar Khan, Advocate on behalf of respondent Nos. 5 and 6, which is taken on record.</p> <p style="text-align: center;">Shri Yashpal Singh, Ld. Counsel appearing on behalf of the applicant submits that since copy of affidavit of compliance has been received today, a week time be granted to go through the affidavit and to file objection, if any.</p> <p style="text-align: center;">Objection, if any, may be filed within a week.</p> <p style="text-align: center;">List on 29.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Ex-A/217 of 2022 Inre O.A. No. 223 of 2021

Smt Damyanti Devi M/o Ms Krishna Bora
D/o Late Ex Nb Sub Heera 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>11.11.2022</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 DS Tiwari, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari are present.</p> <p>It is submitted by learned counsel for the respondents that in compliance of order passed by this Tribunal PPO has been generated on 06.09.2022 and arrears amounting to Rs 1,47,130/- has also been credited in applicant's account on 29.09.2022. It is further submitted that applicant is in receipt of family pension @ Rs 21,500/- p.m. as per 7th CPC.</p> <p>In regard to above, submission of learned counsel for the applicant is that order has not been fully complied with as applicant has been paid arrears w.e.f. 01.01.2016 and not from 07.09.2009.</p> <p>PPO is not available on record. Respondents are directed to bring PPO on record by way of affidavit.</p> <p>Applicant is directed to implead PDA as party in O.A. for which necessary steps may be taken within two weeks.</p> <p>On steps being taken, issue notice to newly made party returnable within four weeks.</p> <p>List on 20.01.2023.</p>

	<p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p>	<p>(Justice Umesh Chandra Srivastava) Member (J)</p>
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rathore

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

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

Notes of the Registry	Orders of the Tribunal
	<p><u>11.11.2022</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 Kaushik Chatterjee, Ld. Counsel for the respondents is present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant is reported to be ill. Rejoinder affidavit, if any, may be filed within three weeks.</p> <p>List on 03.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p><i>rathore</i></p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 878 of 2021

Ex Deem (P) Ravi 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>11.11.2022</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 Amit Jaiswal, Ld. Counsel for the respondents assisted by Lt Cdr Akarshan Agarwal, Departmental Representative from Naval HQ and Lt Cdr Abhishek Rai, Departmental Representative from INS Valsura are present.</p> <p>The O.A. is dismissed on merit.</p> <p>For orders, see our judgment passed on separate sheets.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 20 of 2022

Hav (PA) Babban Chauhan
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>11.11.2022</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant is present.</p> <p>Neither learned counsel for the respondents is present nor has counter affidavit been filed.</p> <p>Counter affidavit must be filed within four weeks failing which opportunity shall be closed without any reference.</p> <p>List on 15.12.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 60 of 2022

Ex Sep Ramadhar Saroj
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>11.11.2022</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 Ravi Kumar Yadav, Ld. Counsel for the applicant respondents is present.</p> <p>Neither learned counsel for the respondents nor has counter affidavit been filed.</p> <p>Counter affidavit must be filed within two weeks failing which opportunity shall be closed without any reference.</p> <p>List on 02.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 173 of 2022

Ex Hav Dwarika Nath Singh & Ors
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>11.11.2022</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 (Dr.) Gyan Singh, Ld. Counsel for the respondents is present.</p> <p>Learned counsel for the respondents submits that there are 17 applicants and he has filed counter affidavit on behalf of respondent No 1-4.</p> <p>Counter affidavit filed by learned counsel for the respondents on behalf of respondent No 1-4 is taken on record.</p> <p>In regard to counter affidavit on behalf of remaining respondents this may be filed by the respondents within a week.</p> <p>List on 20.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 342 of 2022

Hav Dinesh Chand Tyagi (Retd)
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>11.11.2022</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri (Dr) Shailendra Sharma Atal, Ld. Counsel for the respondent No 1-5 are present.</p> <p>No counter affidavit has been filed on behalf of respondent No 6 on whom service of notice is sufficient.</p> <p>O.A. shall proceed ex-parte against respondent No 6.</p> <p>List on 16.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 362 of 2022

NC (E) Ramji Prasad (Retd)
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>11.11.2022</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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that parawise comments being not received, counter affidavit could not be filed.</p> <p>Counter affidavit must be filed within two weeks failing which opportunity shall be closed without any reference.</p> <p>List on 12.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 598 of 2022

Ex Hav Moolraj 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>11.11.2022</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>1. This O.A. has been filed under Section 14 of the Armed Forces Tribunal, Act, 2007 for grant of following reliefs:-</p> <p style="padding-left: 40px;">(i) The Hon'ble Tribunal may kindly be pleased to direct the respondents to organize Release Medical Board to assess the further disability if any.</p> <p style="padding-left: 40px;">(ii) Any other appropriate order or direction which the Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case.</p> <p>2. Brief facts of the case are that the applicant was enrolled in the Army on 26.12.1996 and he was discharged from service w.e.f. 30.09.2013 (AN). He is in receipt of service pension vide PPO No D/11895/2014. During the course of his service he sustained severe injury on 12.03.2007 and was admitted in Base Hospital, Delhi Cantt where Injury Report (IAFY-2006) was initiated by the Hospital. Subsequently, Court of Inquiry (C of I) was held which declared his injury 'Bimalleolar Fracture (Rt) Ankle' as attributable to military service. He was placed in low medical category A3 (T-24) w.e.f. 18.01.2007 which on being further reviewed he was placed in medical category A2 (Permt) w.e.f. 21.05.2008. In the year 2011, the applicant sustained severe injury 'Fracture Proximal Radius (Lt) and Fracture Lateral Malleolis (Lt)' on 01.02.2011 due to</p>

tractor toppled while on leave. Accordingly, he was downgraded to low medical category A3 (T-24) w.e.f. 02.07.2011 which was upgraded to medical category SHAPE-I w.e.f. 28.12.2011. Being placed in low medical category A2 (Permt), a Show Cause Notice dated Nil December, 2012 and dated 10.01.2013 was issued to which applicant submitted his reply dated 25.12.2012 in which he requested to continue in service due to financial distress. However, due to non availability of sheltered appointment in the unit he was discharged from service w.e.f. 30.09.2013 (AN) after completion of 16 years, 09 months and 05 days service. Applicant has submitted that a set of medical papers related to his RMB was handed over to him which he lost at Railway Station and therefore, his RMB could not be conducted for his disability 'Bimalleolar Fracture (Rt) Ankle' for which he was placed in low medical category A2 (Permt) w.e.f. 21.05.2008. This O.A. has been filed for issuing directions to the respondents to carry out his RMB for the aforesaid disability.

3. Learned counsel for the applicant submitted that the applicant was enrolled in the Rajputana Rifles of the Indian Army on 26.12.1996. He further submitted that in the month of July, 2007 while in service, he sustained injury. C of I conducted to this effect declared his disability 'Bimalleolar Fracture (Rt) Ankle' as attributable to military service. It was further submitted that on 13.08.2013 the applicant was handed over a set of RMB proceedings which being lost in transit while at Railway Station, his RMB could not be carried out till his discharge from service i.e. 30.09.2013. He pleaded for issuing directions to the respondents to carry out his RMB for the disability 'Bimalleolar Fracture (Rt) Ankle' which was held attributable to military service and he was placed in low medical category P2 (Permt) w.e.f. 21.05.2008.

4. On the other hand learned counsel for the respondents submitted that the applicant sustained severe injury on 12.03.2007 while in service. He was admitted to Base Hospital, Delhi Cantt. In Para 10 of the counter affidavit the respondents conceded that the applicant was placed in low medical category A2 (Permt) w.e.f. 21.05.2008 for the disability 'Bimalleolar Fracture (Rt) Ankle' which was declared attributable to military service. It was further submitted that medical papers related to RMB were lost by the applicant at New Delhi Railway Station. Learned counsel for the respondents further conceded that applicant's RMB was not carried out till his discharge from service i.e. 30.09.2013 due to

non availability of medical papers.

5. Heard Shri R Chandra, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondents.

6. It is not in dispute that No. 2892500H Ex Hav Mool Raj Singh was enrolled in the Army on 26.12.1996. During the course of his service on 12.03.2007 he sustained severe injury i.e. 'Bimalleolar Fracture (Rt) Ankle' and was admitted to Base Hospital, Delhi Cantt for treatment. Accordingly, injury report (IAFY-2006) was prepared and C of I declared his disability attributable to military service. The applicant served in low medical category till his discharge from service.

7. Medical documents alongwith injury report and C of I were handed over to the applicant by 19 Raj Rif but the said documents were lost by the applicant while in transit at New Delhi Railway Station. Since sheltered appointment was not available in the unit, a Show Cause Notice was served on him and on receipt of reply he was discharged from service. In his reply dated 25.12.2012 to the Show Cause Notice the applicant wished to continue in service due to financial distress.

8. The applicant is in receipt of service pension vide PPO No. D/11895/2014 dated 27.05.2014 w.e.f. 01.10.2013. The fact that applicant was placed in low medical category A2 (permt) w.e.f. 21.05.2008 has not been denied by the respondents and conceded in Para 4 of their counter affidavit. It is also a fact that applicant's RMB was required to be conducted prior to his discharge from service but admittedly his RMB was not carried out due to loss of medical documents.

9. Be that as it may, applicant being placed in low medical category should have undergone RMB which in our opinion is required to be carried out to assess his gravity of medical disability, if any.

10. In view of the above, respondents are directed to carry out applicant's RMB within a period of four months from today. On receipt of letter from the respondents, applicant shall liaise with the medical authorities for conduct of his RMB.

11. With the aforesaid directions, O.A. is **allowed** accordingly.

12. No order as to costs.

13. Miscellaneous application(s), pending if any, stand disposed of.

	<p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p>	<p>(Justice Umesh Chandra Srivastava) Member (J)</p>
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rathore

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 642 of 2022

Smt Ram Maya Gurung, W/o Rfn
Am Bahadur Gurung
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>11.11.2022</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 Vijay Kumar Pandey and Shri TK Shukla, Ld. Counsel for the applicant is present.</p> <p>Neither learned counsel for the respondents nor has the counter affidavit been filed.</p> <p>Counter affidavit must be filed within three weeks failing which opportunity shall be closed without any reference.</p> <p>List on 18.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 644 of 2022

Ex Hav Awadhesh Kumar Dixit
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>11.11.2022</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>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the appellant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p>Counter affidavit is taken on record.</p> <p>O.A. is allowed.</p> <p>For orders, see our judgment passed on separate sheets.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 645 of 2022

Ex Sub Shankar Thapa
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>11.11.2022</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>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents.</p> <p>Counter affidavit is taken on record.</p> <p>O.A. is allowed.</p> <p>For orders, see our judgment passed on separate sheets.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

T.A. No. 12 of 2022

Ex Rect Pawan Kumar Kharwar
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><u>11.11.2022</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 Om Prakash, Ld. Counsel for the petitioner and Mrs Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed the applicant within two weeks.</p> <p>List on 19.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 470 of 2018

Uday Shankar Thakur

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>11.11.2022</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 applicant in person and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit is taken on record.</p> <p>Original documents filed and taken on record.</p> <p>List on 16.01.2023 for physical hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 261 of 2020

Ram Nath Mishra

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>11.11.2022</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 Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>The matter needs physical hearing.</p> <p>List on 27.01.2023 for physical hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

E-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 309 of 2021

Swr Ramesh Yadav
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>11.11.2022</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 Prabhat Kumar Tripathi, Ld. Counsel for the applicant and Ms Prerna Singh, Ld. Counsel for the respondents are present.</p> <p>Similar matter is pending before the Larger Bench of AFT (PB), New Delhi.</p> <p>List on 24.02.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

