

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

O.A. No. 279 of 2022 with M.A. No. 326 of 2022

Smt. Janki Devi Chhetri W/o Late Ex. Hav. Rohit Dhar Chhetri 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>16.11.2022</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>Counter Affidavit filed by the respondents is taken on record. Heard Shri Ved Prakash Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, 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. 241 of 2022

Ex. Rfn. Kapil 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>16.11.2022</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>Counter Affidavit filed by the respondents is taken on record. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Preeti Mala, 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. 295 of 2022 with M.A. No. 339 of 2022

Ex. Nk. (TS) Raju 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>16.11.2022</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>In view of averments made in affidavit, Vakalatnama filed by Shri R. Chandra, Advocate on behalf of the applicant is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed seeking correction in the name, father's name and date of birth of wife of the applicant in the service records.</p> <p>There being a delay of 18 years, 03 months and 29 days in filing of Original Application, a delay condonation application has been filed.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 08.12.1983 and was discharged from service on 31.12.2000 on completing the term of engagement. During service applicant was married to Suman Devi daughter of Babu Singh on 10.05.1985 and casualty of this occurrence was published vide Part – II Order. After being retired from service, applicant came to know through educational documents of his wife that her correct name is Pramod Kumari Daughter of Devi Shanker Singh and her date of birth is 19.01.1963 and not the same as entered in his service records.</p>

Thereafter, he wrote several letters to the respondents requesting them to correct the name, father's name and date of birth of his wife in service records, but the same was not conceded on the ground that change in complete identity of his wife was not permissible.

In regard to delay, Ld. Counsel for the applicant submits that it is not deliberate. Applicant was busy making representations to the respondents regarding correction in name, father's name and date of birth of his wife, therefore, Original Application could not be laid on time.

Ld. Counsel for the respondents, on the other hand, submits that applicant is seeking change of the complete identity of his wife by means of Original Application which is not permissible. Entry regarding name, father's name and date of birth of the wife of the applicant in service records has been made at the behest of the applicant.

He further submits that there is a delay of more than 18 years in filing the Original Application which the applicant has not properly and satisfactorily explained, therefore, delay should not be condoned.

It is not disputed that entry regarding name, father's name and date of birth of wife of the applicant in the service records has been made at the instance of applicant. His contention that he was not aware about the correct name, father's name and date of birth of his wife before perusing her educational records is not acceptable. It is unnatural that applicant was not aware about the correct name, father's name and date of birth of his wife and he came to know about this only when he went through her educational documents more so when his wife is a teacher in Army School.

As regards delay, applicant has stated nothing in the affidavit filed in support of application. He has only stated that delay in filing the Original Application is not deliberate. It is settled in law that if in law limitation is provided for filing an application the same is supposed to be filed within the said limitation and, if it is not done so, delay in filing the application should be explained on day-to-day basis, not casually. In the case in hand, applicant has failed to offer explanation for not filing the

Original Application on time. Merely by saying on oath that delay in filing the application is not deliberate, the same cannot be accepted as such, more so when the delay is of more than 18 years and no explanation has been offered for the same.

In view of the above, we are of the view that since the delay of more than 18 years in filing of Original Application has not been explained by the applicant, the same is liable to be dismissed.

Accordingly, delay condonation application is **dismissed**.

Original Application being time barred is also **dismissed**.

(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. 294 of 2022

Ex. HFO (MWO) Daya Shanker 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>16.11.2022</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>Counter Affidavit filed by the respondents is taken on record. Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents. Original Application is dismissed. 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. 937 of 2022 with M.A. No. 1147 of 2022

Amit Bhardwaj S/o Late Sep. Dulo Prashad
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>16.11.2022</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 Shyam Singh, Advocate has appeared on behalf of the respondent Nos. 1 to 4 and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondent Nos. 1 to 4 when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondent Nos. 1 to 4.</p> <p>This Original Application has been filed for the grant arrears of family pension. In the Original Application Zila Sainik Kalyan Evam Punarvas, Sainik Bhawan, Quiserbagh, Lucknow-01 has been made as respondent No. 5, who has no rule in the grant of family pension, therefore, Original Application is bad of misjoinder of respondent No. 5.</p> <p>Applicant is directed to delete the name of respondent No. 5 from the array of respondents in the Original Application.</p> <p><u>M.A. No. 1147 of 2022</u></p> <p>This application has been filed for condoning the delay of 07 years and 08 months in filing of Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that limitation is not applicable in pensionary matters. It is further submitted that delay in filing the Original Application is not intentional.</p> <p>Ld. Counsel for the respondents has opposed the prayer.</p> <p>Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 937 of 2022</u></p> <p>Case needs adjudication.</p> <p>Admit.</p>

Issue notice to the respondent Nos. 1 to 4.

Shri Shyam Singh, Advocate has accepted notice on behalf respondent Nos. 1 to 4, therefore, service of notice is waived.

Respondent Nos. 1 to 4 may file Counter Affidavit within a period of four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any.

List the matter before Registrar on **04.01.2023** for exchange of pleadings.

List the matter before Tribunal on **06.03 2023**.

(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. 938 of 2022

Ex. Hav. Ravindra Kumar 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>16.11.2022</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>Memo of Appearance filed by Shri Arvind Kumar Pandey, 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 R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</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 04.01.2023 for exchange of pleadings.</p> <p>List the matter before Tribunal on 06.03 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. 942 of 2022 with M.A. No. 1152 of 2022

Ex. Sep. Ravinder 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>16.11.2022</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 no one is present on behalf of the applicant.</p> <p>Shri Ashish Kumar Singh, Advocate is present on behalf of the respondents and files 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 09.12.2022.</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. 944 of 2022 with M.A. No. 1157 of 2022

Ex. Nk. Dilip 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>16.11.2022</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 Ms. Kavita Mishra, 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 style="text-align: justify;">Heard Shri Manoj Kumar Awasthi and Shri Rahul Pal, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">There is a delay of 01 month and 10 days in filing of Original Application.</p> <p style="text-align: justify;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 944 of 2022</u></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 04.01.2023 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 06.03 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

Ex. A. No. 348 of 2022 Inre : O.A. No. 774 of 2021

Ex. PO LOG (MAT) Rahul Dev 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>16.11.2022</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>Memo of Appearance filed by Shri Amit Jaiswal, 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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 26.04.2022 of this Tribunal in Original Application No. 774 of 2021 by which respondents have been directed to grant service pension to the applicant within a period of four months after condoning the shortfall in service.</p> <p>It is submitted by the Ld. Counsel for the applicant that order has not been yet complied.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on 25.01.2023.</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
M.A. No. 1156 of 2022 Inre : O.A. No. 32 of 2022

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Nk. Prabhu Nath
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>16.11.2022</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><u>M.A. No. 1156 of 2022</u></p> <p style="text-align: justify;">Heard Shri Shyam Singh, Ld. Counsel for the applicants herein and Shri K.P. Datta, Ld. Counsel for the respondent.</p> <p style="text-align: justify;">This application has been seeking modification of order dated 05.04.2022 in Original Application No. 32 of 2022 by which respondents (herein applicants) have been directed to grant disability element of pension @20% for two years to be rounded off to 50% for two years from the date of discharge.</p> <p style="text-align: justify;">It is submitted by the applicants herein that respondent was enrolled in the Corps of Military Police on 22.11.1978 and discharged on 30.11.2000 on completion of terms of engagement in low medical category. It is further submitted that in case of discharge in low medical category after completing the terms of engagement the policy of broad banding is applicable with effect from 01.01.2016 and not from the date of discharge, whereas in the order in question this benefit has been extended to the applicant with effect from the date of discharge which needs to be modified.</p> <p style="text-align: justify;">Ld. Counsel for the respondent herein seeks and is allowed two days time to apprise the Tribunal regarding applicability of the policy of broad banding in the case of discharge.</p> <p style="text-align: center;">List on 28.11.2022.</p> <p style="text-align: justify;">Name of Shri K.P. Datta, Advocate be shown as Counsel for the respondent herein when the case is listed next.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

T.A. No. 31 of 2022

Ex. Hav./Clk. Anand Shankar Dwivedi

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>16.11.2022</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>Dr. Chet Narayan Singh, Advocate is present 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>On the case being taken up for hearing no one is present on behalf of the applicant.</p> <p>As per office note, notices were issued to the parties to appear before the Tribunal on the next date fixed i.e. 16.11.2022. However, registry has not submitted any report regarding service of notice on the applicant.</p> <p>Registry is, therefore, directed to submit report regarding service of notice on the applicant within two weeks.</p> <p>List on 05.01.2023.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(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
E-Court

T.A. No. 42 of 2022

Ashutosh Tiwari S/o Late Hav. Chandrika Prasad Tiwari 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>16.11.2022</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 no one is present on behalf of the applicant.</p> <p>Dr. Shailendra Sharma Atal, Advocate is present 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>Ld. Counsel for the respondents submits that he has no paper-book of the case.</p> <p>Office report regarding service of notice on the applicant is not available.</p> <p>Registry is directed to submit report regarding service of notice on the applicant within two weeks.</p> <p>List on 18.01.2023.</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

Ex. A. No. 19 of 2021 Inre : O.A. No. 553 of 2018

Ex. Sep. Ram Otar 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>16.11.2022</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 Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>Shri Rohitash Kumar Sharma, Ld. Counsel appearing for the applicant states that required documents have been submitted in the office of Zila Sainik Kalyan Evam Punarvas.</p> <p>Respondents are directed to expedite the case to get the order implemented within four weeks.</p> <p>List on 23.01.2023.</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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

Ex. A. No. 77 of 2022 Inre : O.A. No. 777 of 2020

Ex. Rfn. Prem bahadur Chhetri
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>16.11.2022</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Col. Subodh Kumar Verma, IHQ of MoD (Army), New Delhi.</p> <p>This application has been filed for implementation of order dated 11.08.2021 in Original Application No. 777 of 2020. By means of this order respondents have been directed to grant disability pension to the applicant @20% for life to be rounded off to 50% for life from three years prior to filing of Original Application within a period of four months from the date of order.</p> <p>The order has not yet been complied with.</p> <p>Submission of Ld. Counsel for the respondents is that respondents are intending to file Special Leave Petition against the decision of this Tribunal, therefore, four weeks further time be granted.</p> <p>Ld. Counsel for the applicant, on the other hand, submits that the order to be complied with is dated 11.08.2021, no indefinite time can be granted for its implementation.</p> <p>After hearing submissions of Ld. Counsel of both sides and having gone through the facts and circumstances of the case we are of considered view that respondents have not assigned any plausible reason for non-compliance of the order. They are, therefore, directed to implement the order within four weeks from today else the officer responsible for implementation of</p>

order shall remain physically present in Tribunal on the next date fixed to explain why suitable action be not taken against him for non-compliance of the order.

Respondents are further directed to deposit the cost due against them by the next date fixed.

List on **10.01.2023**.

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. 150 of 2022 Inre : O.A. No. 407 of 2020

Ex. Sub. Kailash

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>16.11.2022</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 Parijaat Belaura, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj submits that in compliance of the order PPO has been generated on 13.07.2022 and interest on arrears @8% per annum amounting to Rs.32,739/- has also been credited in applicant's account in August, 2022. As per PPO applicant is receiving disability element of pension @Rs.9,060/- per month since 01.01.2019. Thus it is submitted that order has been complied with.</p> <p>Ld. Counsel for the applicant submits that in case of any discrepancy applicant should be permitted to file fresh application, which is allowed.</p> <p>In view of the above, order seems to have been complied.</p> <p>Accordingly, Execution Application is dismissed being infructuous.</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

Ex. A. No. 152 of 2022 Inre : O.A. No. 21 of 2018

Ex. Nk/Skt. Uma Shankar Yagik 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>16.11.2022</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 Col. A.K. Srivastava (Retd.), 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>Ld. Counsel for the applicant states that service pension of the applicant has not yet been released. He further submits that applicant has reported to Military Hospital, Prayagraj for undergoing Release Medical Board.</p> <p>Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj seeks and is allowed three weeks time to seek instruction regarding releasing of service pension.</p> <p>List on 12.01.2023.</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

Ex. A. No. 195 of 2022 Inre : O.A. No. 352 of 2017

Hony. Nb. Sub. Suresh Prasad
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>16.11.2022</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;">On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed, list this matter on 28.11.2022.</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

Ex. A. No. 227 of 2022 Inre : O.A. No. 545 of 2021

Ex. Hav. Chandrama Ram Applicant
By Legal Practitioner for the Applicant

Versus

First Appellate Committee, Addl. DGPS-4 AG's Branch, Respondents
Army HQ, New Delhi & Others
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.11.2022</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 Rohit Kumar, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents assisted by Major Tarun, Departmental Representative for the respondents are present.</p> <p>In regard to compliance of the order Major Tarun, Departmental Representative of the respondents submits that the First Appeal dated 30.09.2020 preferred by the applicant has been considered and rejected on 10.03.2022 and copy of the letter has been dispatched to the applicant.</p> <p>Shri Rohit Kumar, Ld. Counsel for the applicant submits that no such letter has been received yet.</p> <p>Respondents are directed to furnish a copy of letter dated 10.03.2022 to the Ld. Counsel for the applicant within a week.</p> <p>With the above, the Execution Application has rendered infructuous and is, therefore, liable to be dismissed as such.</p> <p>Accordingly, Execution Application is dismissed being rendered infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

AKD/-

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

Ex. A. No. 250 of 2022 Inre : O.A. No. 398 of 2020

Ex. LSTD Guptesh Kumar 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>16.11.2022</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 Vinay Pandey, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>A letter dated 23.09.2022 issued by the Directorate of Pay and Allowances, IHQ of Ministry of Defence (Navy) has been produced before us for perusal and it shows that in compliance of the order Government Sanction was accorded on 21.10.2021 and PPO was issued on 07.01.2022, a copy whereof has been received by the applicant.</p> <p>Applicant Ex. LSTD Guptesh Kumar is present before in person and he states that he has received the copy of PPO and arrears in his account. His only contention is that despite being mentioned in the PPO that arrears will carry interest @8% per annum with effect from 16.08.2021 till the date of actual payment, the Bank has not yet paid the same.</p> <p>From the above, it appears that applicant's grievance is against the Bank and not against the respondents, who is not a party in the application.</p> <p>Applicant is directed to implead the Bank as party for which steps may be taken within a week.</p> <p>List on 15.12.2022.</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. 486 of 2022

Ex. Hav. Tarkeshwar Kumar 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>16.11.2022</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>Counter Affidavit filed by the respondents is taken on record. Heard Shri Shailendra Kumar Singh and Shri S.S. Rajawat, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our Judgment passed on separate sheets.</p> <p>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
Court No.1

EX.A. No. 277 of 2022 Inre O.A. No. 512 of 2021

Ex Sub Pawan Kumar 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>16.11.2022</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;">Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, AO, PCDA (P) Prayagraj.</p> <p style="text-align: justify;">It is submitted by learned counsel for the applicant that order under execution has been complied with.</p> <p style="text-align: justify;">In view of the fact that order has been complied with and Execution application has rendered infructuous, the same is dismissed as such.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

M.A. No. 37 of 2021 Inre O.A. No. Nil of 2021

Hav Joshi Suryakant Rama Rao
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>16.11.2022</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 Pankaj Kumar Tiwari, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This application has been filed against the order dated 25.01.2019 passed in summary trial by which applicant has been awarded punishment of Severe Reprimand and ten days pay fine.</p> <p>A preliminary objection regarding maintainability of the application has been raised by learned counsel for the respondents on the ground that punishment of Severe Reprimand and ten days pay fine awarded in summary disposal and trial being not a service matter as defined in Section 3 (o) of the Armed Forces Tribunal Act, 2007, the same is not cognisable by this Tribunal.</p> <p>Learned counsel for the applicant, on the other hand, submits that he has filed this application against the order of Severe Reprimand and ten days pay fine, not against the order of Severe Reprimand only, therefore, application is maintainable.</p> <p>Service matters in relation to persons subject to Army Act, 1950, Navy Act, 1957 and Air Force Act, 1950 have been defined in Section 3(o) of the Armed Forces Tribunal Act, 2007 which reads as under :-</p> <p><i>“3(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include –</i></p> <p style="text-align: center;"><i>(i) remuneration (including allowances), pension and other</i></p>

retirement benefits;
(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;
(iii) summary disposal and trials where the punishment of dismissal is awarded;
(iv) Any other matter, whatsoever,
but shall not include matters relating to –
(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and
(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject of the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).
(iii) leave of any kind;
(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months;”

From the above it appears that only punishment of dismissal from service awarded in summary disposal and trials has been included in definition of Service Matters under Section 3 (o) (iii) of the Armed Forces Tribunal Act, 2007. Admittedly, the punishment of Severe Reprimand and ten days pay fine has been awarded to the applicant in summary trial which in view of definition of “Service Matters” given in Section 3(o) of the Armed Forces Tribunal Act is not a service matter. As a result of this, application filed against the punishment is not cognizable by this Tribunal.

Accordingly, application is **dismissed** being not maintainable.

(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

O.A. No. 220 of 2016

Radhey Shyam

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>16.11.2022</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;">On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the applicant, list on 02.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 158 of 2020

Ex. Sep Lakhveer Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.11.2022</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;">On the case being taken up for hearing Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of learned counsel for the respondents a week further time is granted to bring report of RMB on record.</p> <p style="text-align: center;">List on 30.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 342 of 2020

Dashartha W/o Late Sep Prem Chandra
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>16.11.2022</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 Rajesh Kumar Awasthi, appears on behalf of respondent No. 4 and files Vakalatnama which is taken on record.</p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents No. 1 to 3 and Shri Rajesh Kumar Awasthi, learned counsel for the respondent No. 4 are present.</p> <p>It is submitted by learned counsel for the respondent No. 4 that order dated 12.05.2022 directing application to proceed ex parte against the respondent No. 4 be recalled and opportunity be provided to the respondent No. 4 to file counter affidavit.</p> <p>In the interest of justice and with a view to decide the application on merit, order dated 12.05.2022 against respondent No. 4 is recalled and she is permitted to file counter affidavit within three weeks from today without fail.</p> <p>List on 09.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 834 of 2021

Ex. Cpl Ram Kripal Pandey 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>16.11.2022</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 V.K. Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Copy of counter affidavit has not been served to learned counsel for the applicant.</p> <p>Let it be served within three days. Thereafter, applicant will have two weeks time to file rejoinder affidavit.</p> <p>List on 09.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 663 of 2022

Ex. Sgt. Anil Kumar 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>16.11.2022</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 R. Chandra, Ld. Counsel for the applicant and Dr. S.N. Pandey, 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 in the Indian Air Force on 01.07.1987 and discharged from service on 30.06.2007 is entitled for grant of last increment due on 01.07.2007 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 OA 366 of 2020, Ex HFL Sarvesh Kumar vs. Union of India & Ors, decided on 12.08.2021.</p> <p>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. 30.06.2007 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2007. 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</p>

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 30.06.2007, but the increment fell due on the next day of his retirement 01.07.2007, 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 01.07.2006 to 30.06.2007, as he has completed one full year of service, though his increment fell on 01.07.2007, for the purpose of pensionary benefits and not for any other purpose, subject to verification of record. 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)

SB

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

M.A. No. 1155 of 2022 Inre O.A. No. 381 of 2021

Ex. Maj Taj Mohd Sheikh 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>16.11.2022</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 Kazim Ibrahim, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Shri Nimit Srivastav and Shri Ashutosh Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p>Upon hearing submission of learned counsel for the applicant, we do not find any reason for early hearing in the case. Accordingly, early hearing application is rejected.</p> <p>List the case on the date fixed, i.e. 22.02.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

