

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

36. O.A. No. 184 of 2022

Ex. L/Nk. Atma Ram 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>30.11.2022</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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Deepthi Prasad Bajpai, Ld. Counsel for the respondents.</p> <p style="text-align: center;">During the course of hearing, Ld. Counsel for the applicant submits that he is pressing this Original Application for the grant of disability element only.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, 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

37. O.A. No. 258 of 2022

Group Capt. Sanjay Shukla, VSM (Retd.) 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>30.11.2022</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 Raj Kumar Mishra an dMs. Upasna Mishra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. Original Application is allowed. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, 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

35. O.A. No. 144 of 2022

Ex. WO Dasharath Mistry 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>30.11.2022</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 and Rejoinder Affidavit filed by the applicant are taken on record.</p> <p style="text-align: center;">Heard Shri Sudhir Kumar Singh and Shri S.K. Mishra, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, 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

1. O.A. No. 994 of 2022 with M.A. No. 1202 of 2022

Ex. Hony. Sub. Lt. MCAA (W) II Mohammad Saleem 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>30.11.2022</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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension. There is a delay of 03 months and 12 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 994 of 2022</u></p> <p>It is submitted by the Ld. Counsel for the applicant that disability claim has been wrongly denied.</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 on 21.02.2023.</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

3. O.A. No. 996 of 2022

Col. (TS) Ashok Mohanty (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>30.11.2022</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 Dr. Chet Narayan Singh Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri J.L. Joel, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension. It is submitted by the Ld. Counsel for the applicant that disability claim has been wrongly denied.</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 on 21.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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E-Court

5. O.A. No. 999 of 2022 with M.A. No. 1206 of 2022

Ex. Sep. Nanasaheb Sopan Waghmare
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>30.11.2022</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 Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>There is a delay of 14 years, 08 months and 26 days in filing the Original Application.</p> <p>Submission of Ld. Counsel for the applicant is that applicant was enrolled in Territorial Army on 07.02.2003 and he was granted one month leave from 11.08.2005 to 11.09.2005 followed by disembodiment. As per terms of employment in Territorial Army personnel are employed for a period of two years. The services of the applicant was terminated with effect from 11.09.2005 being deserter under Section 20 of the Army Act, 1950 read with Rule 17 of the Army Rules, 1954 and Ministry of Defence (Army) letter No. 17774/AG/DG-I dated 11.03.1980 and 06.10.1983. Thereafter, applicant has been dismissed from service with effect from 10.09.2015 on completion of 10 years from the date of desertion vide letter dated 30.08.2017. The applicant submitted representations but of no avail. His further submission is that delay in filing Original Application is not deliberate. His further submission is that an inadvertent delay of about 05 years and 03 has been caused in filing of Original Application from 30.08.2017 (after two years of dismissal date) in which two years of delay due to COVID 19 pandemic restrictions. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 14 years has not been properly and satisfactorily explained.</p> <p>Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay</p>

in filing Original Application is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.

In the result, we find that delay is not condonable.

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**

6. O.A. No. 1000 of 2022 with M.A. No. 1207 of 2022

Ex. Sep. Amar Pal 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>30.11.2022</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 Rajiv Narayan 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 Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 01 year, 06 months and 06 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1000 of 2022</u></p> <p>It is submitted by the Ld. Counsel for the applicant that disability claim has been wrongly denied.</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 on 21.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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E-Court
7. O.A. No. 1001 of 2022 with M.A. No. 1209 of 2022

Ex. Nk. Harish Chandra Joshi
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>30.11.2022</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 Rajesh Kumar Singh Chauhan, 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 Rajesh Kumar Singh Chauhan, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p><u>M.A. No. 1001 of 2022</u></p> <p>This application has been filed for condoning delay of 82 days in filing of Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant has filed the Original Application for the grant of disability pension which has been denied by the respondents on the premise disability being neither attributable to nor aggravated by service. He further submits that limitation is not applicable in pensionary matter.</p> <p>Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1209 of 2022</u></p> <p>It is submitted by the Ld. Counsel for the applicant that disability claim has been wrongly denied.</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 on 21.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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E-Court

8. O.A. No. 1002 of 2022 with M.A. No. 1210 of 2022

Ex. Hav. Amad Ullah 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>30.11.2022</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;">Memo of Appearance filed by Ms. Preeti Mala, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Applicant has filed this Original Application for the grant of family pension with delay of 25 years, 11 months and 03 days (total number of days 9458).</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that applicant was enrolled in Indian Army on 18.09.1979. While posted at Newjalpaiguri, West Bengal he proceeded on leave from 27.09.1992 to 04.10.1992. On 05.10.1992 a clash was broken between two miscreants at his native place in which one miscreant died and in respect of the same an F.I.R. under Section 302, 307/34 IPC was registered in which applicant was also named as an accused. In the said offence applicant was arrested on 04.07.1994 and sent to Jail. He was released on bail on 22.12.2000 under the order passed by the Lucknow Bench of Allahabad High Court. After being released on bail he learnt that he has been discharged from service. Thereafter, he approached to the Army Authorities from time to time to allow him to join the duty, but the same was not done, hence, this Original Application.</p> <p style="text-align: center;">Ld. Counsel for the applicant further submits that delay in filing the Original Application is not deliberate, but for the reasons stated above. He further submits that applicant was busy making correspondences to the Army Authorities for his reinstatement, hence, Original Application could not be filed in time.</p> <p style="text-align: center;">Ld. Counsel for the respondents, on the other hand, submits that there is</p>

inordinate delay of 9458 days in filing the Original Application which the applicant has not properly and satisfactorily explained, hence, delay should not be condoned.

From the facts of the case it appears that in regard to F.I.R. lodged against applicant he was arrested on 04.07.1994 and was released on bail on 22.12.2000 under the order of Lucknow Bench of Allahabad High Court in Criminal Misc. Application No. 4689 of 2000 in Criminal Appeal No. 286 of 1996 Ahmadullah Versus State of U.P. Applicant has stated that after being released on bail he was busy making correspondences regarding his reinstatement in service, hence, the Original Application could not be filed on time. This contention of the applicant appears to be incorrect as it is evident from the facts of the case that on account of being absent from duty for a long time applicant had been dismissed from service and in that event it was not possible for him to be reinstated in service before getting his dismissal order set aside.

Further, there is inordinate delay of 9458 days in filing the Original Application to which no sufficient explanation has been offered by the applicant. It is settled in law that if any time limit has been provided in statute for filing an application and the application is not filed within the given time, delay needs to be explained on day to day basis. In the case in hand no explanation has been offered by the applicant for the delay in filing the Original Application on day to day basis. Even from perusal of record it appears that he has sent only a few letters to the respondents for his reinstatement and that too after long intervals. This shows that applicant took his dismissal from service in a very casual manner, therefore, the delay in filing the Original Application is not liable to be condoned.

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/-

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E-Court

9. O.A. No. 1003 of 2022 with M.A. No. 1211 of 2022

Ex. Rect. Rahul Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.11.2022</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. Shailendra Sharma Atal, Advocate appears 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>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed against order dated 03.03.2021 passed by the respondent No. 3 by which applicant has been discharged from service on medical grounds.</p> <p>It is submitted by the Ld. Counsel for the applicant that delay of 02 months and 23 days in filing of Original Application is not intentional, but for the reasons stated in affidavit filed in support of application.</p> <p>Ld. Counsel for the respondents has vehemently 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. 1003 of 2022</u></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 on 21.02.2023.</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>

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E-Court**

10. Diary No. 3181 of 2022 Inre : O.A. No. 56 of 2019

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Spr. Bharat Chandra Biswas
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>30.11.2022</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 Yogesh Kesarwani, Ld. Counsel for the applicants – Union of India & Others.</p> <p style="text-align: center;">This is a leave to appeal application against judgment and order dated 08.10.2021 of this Tribunal in Original Application No. 56 of 2019 by which applicants herein have been directed to grant disability pension @40% for two years from the next date of discharge with further direction to hold RSMB of the respondent herein to assess further disability, if any.</p> <p style="text-align: center;">The copy of the order has not been filed.</p> <p style="text-align: center;">Applicants herein are directed to file copy of order within two weeks.</p> <p style="text-align: center;">List on 16.12.2022.</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>

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E-Court

11. Ex. A. No. 358 of 2022 Inre : T.A. No. 5 of 2022

Lt. Col. Amar Singh (Retd.)

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>30.11.2022</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 Rajiv Narayan 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 Rohit Kumar, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 25.05.2022 of this Tribunal in Transferred Application No. 05 of 2022.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on 13.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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E-Court

12. Ex. A. No. 368 of 2022 Inre : O.A. No. 30 of 2021

Ex. Sep. Abhinash Chandra

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>30.11.2022</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;">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 style="text-align: center;">On the case being taken up for hearing Wg. Cdr. S.N. Dwivedi (Retd.0, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">This application has been filed for implementation of order dated 20.07.2021 of this Tribunal in Original Application No. 30 of 2021.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p style="text-align: center;">List on 16.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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E-Court

13. Ex. A. No. 369 of 2022 Inre : O.A. No. 382 of 2021

Ex. Sep. (DSC) Sushil 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>30.11.2022</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 Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 08.04.2022 of this Tribunal in Original Application No. 382 of 2021.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on 17.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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E-Court

14. Ex. A. No. 370 of 2022 Inre : O.A. No. 380 of 2021

<p>Ex. Sep. (DSC) Shyam Pal By Legal Practitioner for the Applicant</p>	<p>Applicant</p>
Versus	
<p>Union of India & Others By Legal Practitioner for Respondents</p>	<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><u>30.11.2022</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 Bipin Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">This application has been filed for implementation of order dated 02.02.2022 of this Tribunal in Original Application No. 380 of 2021.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p style="text-align: center;">List on 17.01.2023.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <p style="font-size: small; margin-top: 10px;">AKD/-</p>

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E-Court**

15. M.A. No. 1205 of 2022 Inre : O.A. No. 893 of 2022

<p>Ex. HFO Ravi Kumar Pandey By Legal Practitioner for the Applicant</p>	Versus	<p>Applicant</p>
<p>Union of India & Others By Legal Practitioner for Respondents</p>		<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><u>30.11.2022</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. 1205 of 2022</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Kaushik Chatterjee, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">For the reasons stated in affidavit filed in support of correction application, the correction application is allowed.</p> <p style="text-align: justify;">In the order dated 02.11.2022 of this Tribunal in Original Application No. 893 of 2022 the name of the applicant be corrected as "660194 Ex HFO Ravi Prakash Pandey" in place of "Ex HFO Ravi Kumar Pandey".</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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16. T.A. No. 56 of 2022

Dharam Nath 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>30.11.2022</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 Ravi prakash Yadav, Advocate appears on behalf of the applicant and submits that applicant has died and his heirs need time to file application for substitution.</p> <p style="text-align: center;">This case has been received by transfer from Allahabad High Court.</p> <p style="text-align: center;">Shri Ram Saran Awasthi, Ld. Counsel for the respondents is present and he has filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Substitution application may be filed within three weeks.</p> <p style="text-align: center;">List on 19.01.2023.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <p style="text-align: left; margin-top: 10px;"><small>AKD/-</small></p>

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17. T.A. No. 57 of 2022

Pappu Singh S/o Late Hom 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>30.11.2022</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 Bipin Kumar Singh, Advocate appears 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>No one is present on behalf of the applicant.</p> <p>This case has been received by transfer from Allahabad High Court.</p> <p>Issue notice to the applicant returnable within four weeks.</p> <p>List on 20.01.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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18. T.A. No. 58 of 2022

Smt. Radha Devi W/o Late Shaheed dinesh Singh Bhadauriya 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>30.11.2022</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 Raj Kumar Mishra, Advocate appears on behalf of the applicant and he has filed Vakalatnama which is taken on record.</p> <p>Shri J.N. Mishra, Advocate appears on behalf of the respondent Nos. 1 to 4 and he has filed Memo of Appearance which is also taken on record.</p> <p>Shri Amit Asthana, Advocate appears on behalf of the respondent Nos. 5 and 6 and he has also filed Vakalatnama which is also taken on record.</p> <p>This case has been received by transfer from Allahabad High Court.</p> <p>Pleadings have been exchanged and the case is ripe for hearing.</p> <p>List on 23.01.2023 for final hearing.</p> <p>Since copy of paper-book is not available with the Ld. Counsel for the respondent Nos. 1 to 4, applicant is directed to provide the copy of paper-book to the Ld. Counsel for the respondent Nos. 1 to 4.</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
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19. T.A. No. 59 of 2022

Smt. Sadhna Devi W/o Late Arbeshwanker Rajdhari Yadav 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>30.11.2022</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;">This case has been received by transfer from Allahabad High Court. Shri Sudeshwar Maurya, Shri D.P. Singh and Shri Abhishek Yadav, Ld. Counsel for the applicant are present. They have filed Vakalatnama today in Court which is taken on record. Their names be shown as Counsel for the applicant when the case is listed next.</p> <p style="text-align: center;">Shri Somesh Singh, Advocate is present on behalf of the respondent Nos. 1 to 4, he has 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 style="text-align: center;">Shri Sanjai Kumar Singh, Advocate and Shri Chandra Sewak, Advocate are present on behalf of respondent No. 5. They have also filed Vakalatnama which is taken on record. Their names be shown as Counsel for the respondent No. 5 when the case is listed next.</p> <p style="text-align: center;">Counter Affidavit on behalf of respondents have been filed. Applicant may file Rejoinder Affidavit (s), if any, within three weeks. List on 30.01.2023 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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20. T.A. No. 60 of 2022

Ram Pyari Devi W/o Late Sep. Ramdin 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>30.11.2022</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;">This case has been received by transfer from Allahabad High Court. No one is present on behalf of the applicant and respondent No. 5. Notices sent to them have been received back unserved with remarks "recipient have died".</p> <p style="text-align: center;">Memo of Appearance filed by Shri G.S. Sikarwar, Advocate on behalf of the respondent No. 1 is taken on record. His name be shown as Counsel for the respondent No. 1 when the case is listed next.</p> <p style="text-align: center;">Shri G.S. Sikarwar, Ld. Counsel for the respondent No. 1 and Shri Arvind Kumar Srivastava, Ld. Counsel for the respondent Nos. 2 to 4 are present.</p> <p style="text-align: center;">Shri Arvind Kumar Srivastava, Advocate prays for and is granted two weeks time to file Vakalatnama.</p> <p style="text-align: center;">List on 12.01.2023.</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>

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21. Ex. A. No. 24 of 2019 with M.A. No. 1073 of 2022 Inre : O.A. No. 266 of 2015

Ex. L/Nk. Hari Bahadur
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>30.11.2022</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 Asheesh Agnihotri, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p><u>M.A. No. 1073 of 2022</u></p> <p style="text-align:justify">This application has been filed to implead Pension Disbursing Authorities as respondents in Execution Application.</p> <p style="text-align:justify">The application is allowed.</p> <p style="text-align:justify">Let amendment be made and thereafter notices be issued to the newly made respondents returnable within four weeks.</p> <p style="text-align:justify">Steps for notice be taken within a week.</p> <p><u>Ex. A. No. 24 of 2019</u></p> <p style="text-align:justify">Shri Rajeev Tiwari, Accounts Officer, PCDA (Pension), Prayagraj informs that a fresh PPO has been issued on 15.11.2022.</p> <p style="text-align:justify">Let PPO be brought on record by way of affidavit by the next date fixed.</p> <p style="text-align:justify">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>

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

Ex. Nk. Pandu Kumar Reddy 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>30.11.2022</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 Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents assisted by Major Tarun, Departmental Representative of the respondents.</p> <p style="text-align: justify;">On the last date i.e. 01.11.2022 the respondents were granted three weeks time to bring stay order after filing Special Leave Petition in the Hon'ble Apex Court on payment of Rs.15,000/- as cost. It was also directed that in the event of stay order being not filed the officer responsible for implementation of the order shall remain physically present before this Tribunal on the next date fixed to file his personal affidavit why necessary action be not taken against him for non-compliance of the order.</p> <p style="text-align: justify;">The order has not been complied with nor the officer responsible for implementation of the order is present before us to explain the reason for non-compliance.</p> <p style="text-align: justify;">It is informed by Major Tarun, Departmental Representative that cost could not be deposited due to insufficiency of fund, same will be deposited as soon the fund is available. He further informed that case has been processed for filing the Special Leave Petition and it will be filed shortly and simultaneously the case has been processed for obtaining conditional sanction also for the implementation of the order which is presently pending with Ministry of Defence. He also informed that Director Arty-10 is responsible for</p>

the implementation of the order.

Since the order has not been complied with, we direct the registry to issue notice to Director Arty-10 to appear in person before this Tribunal on the next date fixed along with his explanation for non-implementation of the order.

List on **02.02.2023**.

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
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**23. Ex. A. No. 108 of 2022 Inre : O.A. No. 260 of 2021 along with
R.A. No. 48 of 2022**

Col. (TS) Nagendra Singh (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>30.11.2022</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 R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents assisted by Major Tarun, Departmental Representative of the respondents.</p> <p style="text-align: center;">Major Tarun, Departmental Representative of the respondents submits that applicant PS Directorate has already recommended the case of the applicant for implementation of the order which is presently pending with Principal IFA for his financial concurrence.</p> <p style="text-align: center;">In view of the above, let affidavit of compliance be filed within four weeks failing which respondents shall be liable to pay Rs.10,000/- as cost to the applicant.</p> <p style="text-align: center;">List on 17.01.2023.</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>

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24. Ex. A. No. 151 of 2022 Inre : O.A. No. 666 of 2017

Ex. Nk. (Reservist) Awadh Narain
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>30.11.2022</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 Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj.</p> <p>An affidavit of compliance has been filed by the respondents which is taken on record.</p> <p>It is submitted by the Ld. Counsel for the respondents that since the order has been complied with, Execution Application should be dismissed being infructuous.</p> <p>On the other hand, Ld. Counsel for the applicant submitted that some amount has been received in the applicant's account but it is not clear whether it includes interest or not. He further submitted that applicant had approached the concerned Bank to seek clarification in regard to interest but the Bank officials did not provide the details.</p> <p>From the above, it is clear that so far as the compliance of the order is concerned, it has been done on the part of existing respondents. If applicant contends that Bank has not complied the order and Bank officials are not providing payment details, he can implead Pension Disbursing Authorities as respondents in the Execution Application for which steps may be taken within a week.</p> <p style="text-align: center;">List on 27.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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26. Ex. A. No. 207 of 2022 Inre : O.A. No. 296 of 2020

Col. Suresh Pratap Singh (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>30.11.2022</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.D. Tripathi, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Major Tarun, Departmental Representative of the respondents.</p> <p>It is submitted by Major Tarun, Departmental Representative that against judgment and order of this Tribunal in question a Special Leave petition being Diary No. 29509 of 2022 along with Stay Application being Misc. Application No. 164243 of 2022 has been filed in the Hon'ble Apex Court which is pending decision. He also submits that no stay order has been granted in the Special Leave Petition yet.</p> <p>In view of the above, respondents are directed to bring stay order within four weeks or to make compliance of the order and file affidavit of compliance.</p> <p>List on 18.01.2023.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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27. Ex. A. No. 209 of 2022 Inre : O.A. No. 279 of 2020

Ex. JWO Ajit Kumar Shrivastawa
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>30.11.2022</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents assisted by Sqn. Ldr. Ashutosh Pandey, Departmental Representative of the respondents.</p> <p style="text-align:center">It is submitted by the Ld. Counsel for the respondents that Corrigendum PPO will be issued shortly.</p> <p style="text-align:center">Let affidavit of compliance annexing therewith copy of Corrigendum PPO be filed within four weeks failing which respondents will be liable to pay Rs.5,000/- as cost to the applicant.</p> <p style="text-align:center">List on 19.01.2023.</p> <p style="text-align:center">Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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29. Ex. A. No. 275 of 2022 Inre : O.A. No. 686 of 2021

Ex. HFO Man Bahadur 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>30.11.2022</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">On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align:justify">On the request of Ld. Counsel for the respondents three weeks further time is granted to file affidavit of compliance.</p> <p style="text-align:center">List on 23.01.2023.</p> <table><tr><td style="text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="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)		

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30. Ex. A. No. 314 of 2022 Inre : O.A. No. 283 of 2020

Ex. Sub. (Hony. Lt.) Bhuri 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>30.11.2022</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 Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents four weeks further time is granted to file affidavit of compliance.</p> <p>It is directed that if the order is not complied within the given time, the officer responsible for implementation of the order shall remain physical present in Tribunal on the next date fixed to explain the reason for non-compliance of the order.</p> <p>List on 24.01.2023.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
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42. O.A. No. 810 of 2022

Ex. Sub. Shiv Pujan 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>30.11.2022</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 Ms. Upasna Mishra, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri G.S. Sikarwar, 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 16.06.1984 and discharged on 30.06.2014 is entitled for grant of last increment due on 01.07.2014 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>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. 30.06.2014 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2014. 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>

Madras 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 30.06.2014, but the increment fell due on the next day of his retirement 01.07.2014, 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 01.07.2013 to 30.06.2014, as he has completed one full year of service, though his increment fell on 01.07.2014, for the purpose of pensionary benefits and not for any other purpose. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @8% per annum till the actual payment

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

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.11.2022</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 Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p>Supplementary Counter Affidavit has been filed by learned counsel for the respondents without serving copy to learned counsel for the applicant.</p> <p>Copy of Supplementary Counter Affidavit be furnished to learned counsel for the applicant within three days.</p> <p>Thereafter, applicant shall have two weeks time to file rejoinder affidavit, if any.</p> <p>List on 24.01.2023 for final hearing.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 797 of 2021

Ex. Hony Nb Sub Ramesh Singh 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>30.11.2022</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh and Shri Avdhesh Shukla, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents No 1-3 submits that he has filed counter affidavit which be taken on record.</p> <p>Accordingly, counter affidavit is taken on record.</p> <p>Learned counsel for the applicant may file rejoinder affidavit, if any, within two weeks.</p> <p>List on 05.01.2023.</p> <p style="text-align:right">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align:right">(Justice Umesh Chandra Srivastava) Member (J)</p> <p><i>rathore</i></p>

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

O.A. No. 287 of 2022

Ex. Hon Nb Sub Ram Bilash
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>30.11.2022</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 Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents, three weeks further time is allowed to file counter affidavit.</p> <p>List on 10.01.2023.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 657 of 2022

Ex. L NK Raghunath 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>30.11.2022</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>As prayed, two weeks further time is allowed to learned counsel for the respondents to file counter affidavit.</p> <p>List on 14.12.2022.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 797 of 2022

Smt. Guddi Devi W/o Late Ex. Sep Shish Ram 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>30.11.2022</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, Shri Sandeep Tripathi and Shri Vishnu Kant Awasthi, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>As prayed, three weeks further time is allowed to learned counsel for the respondents to file counter affidavit.</p> <p>List on 09.01.2023.</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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 799 of 2022 with M.A. No. 991 of 2022

Ex Nb Sub Ram Naresh Tripathi
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>30.11.2022</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 T.K. Shukla, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents two weeks further time is allowed to file objection to the delay condonation application.</p> <p>List on 10.01.2023.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 127 of 2017

Jham Prasad 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>30.11.2022</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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Case being related to promotion needs physical hearing.</p> <p>List on 13.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"> (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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No.240 of 2017

Sinhasan 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>30.11.2022</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on 16.01.2023 for physical hearing.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 388 of 2017

Gagan 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>30.11.2022</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 Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case being related to promotion needs physical hearing.</p> <p style="text-align: center;">List on 17.01.2023 for physical hearing.</p> <p style="display: flex; justify-content: space-between; margin-top: 20px;"> (Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J) </p> <p>rathore</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 499 of 2018

Smt. Anita 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>30.11.2022</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 Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>Case requires physical hearing.</p> <p>List on 04.01.2023 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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 543 of 2018

Ex. Hav. Vijay Malik Applicant
By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.11.2022</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 Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Case requires physical hearing.</p> <p>List on 19.01.2023 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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A.No.93 of 2020 with M.A. No. 953 of 2019

Ex. Sub Bharat 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>30.11.2022</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>Case requires physical hearing.</p> <p>List on 19.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 247 of 2020

Ex. Hav. Sanjay Singh 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>30.11.2022</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>Matter being related to General Court Martial requires physical hearing.</p> <p>List on 20.01.2023 for physical hearing.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 276 of 2020

Ex. Sigmn Pramesh

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>30.11.2022</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 Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case being related to Summary Court Martial requires physical hearing. List on 23.01.2023 for physical hearing.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 608 of 2020

Yogendra 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>30.11.2022</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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Case requires physical hearing.</p> <p>List on 01.02.2023 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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 65 of 2021 with M.A. No. 247 of 2022

Sep Deepak Singh 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>30.11.2022</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 Shiva Nand Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Case being related to District Court Martial needs physical hearing.</p> <p>List on 02.02.2023 for physical hearing.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 880 of 2021 with M.A. No. 969 of 2022 & M.A. No. 1042 of 2021
along with O.A. No. 573 of 2022

Lt. Col. Awedhesh 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>30.11.2022</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 Puru Mudgal, Advocate holding brief for Wg. Cdr Ajit Kakkar (Retd) , Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 01.12.2022 for hearing.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. (A) No. 39 of 2017 with M.A. No. 1237 of 2018

Smt. Sunita Singh W/o Abhishek Kumar Singh (In Custody) Appellant
 By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
 By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
rathore	<p><u>30.11.2022</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;">On the case being taken up for hearing Shri Ashish Asthana, Shri Shailendra Kumar Singh and Shri Jitendra Saksena, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. Case being related to General Court Martial requires physical hearing. List on 03.02.2023 for physical hearing.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p>

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

T.A. No. 284 of 2010

Umesh Kumar Chourasia Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.11.2022</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 Raj Kumar Mishra, Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p>Case being related to Summary Court Martial requires physical hearing. List on 10.01.2023 for physical hearing.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 700 of 2010 along with T.A. No. 699 of 2010 &
T.A. No. 701 of 2010 (Decided)

Smt. Poonam Srivastava
W/o Anand Kumar Srivastava (Deceased) & Others Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.11.2022</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 Rohit Kumar, Ld. Counsel for the petitioner and Shri D.K.Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 11.01.2023 for physical hearing.</p> <p style="text-align: center;">(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
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

E-Court No.1

O.A. No. 800 of 2021

Ex Sgt Vikram 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>30.11.2022</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 Ex Sgt Vikram Prasad, the applicant in person and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>This Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 for grant of benefit of second ACP on completion of 20 years of service and pension of Group X being a diploma holder.</p> <p>Submission of the applicant is that he was enrolled in the Indian Air Force on 25.10.1980 and was discharged from service on 31.10.2000 after completion of 20 years of service. He has qualified Physiotherapy Diploma course in 1992 and was awarded Diploma in Physiotherapy on 01.02.1992 and accordingly his Diploma was equal to Group 'X' trade and, therefore, he is entitled to pension of Group X and benefit of ACP on completion of 20 years of service.</p> <p>The applicant has placed reliance on this Tribunal judgement in OA No. 261 of 2014, Ex Sgt Lakshmi Narayain Singh vs. Union of India & Others, decided on 09.10.2018 and pleaded that his case is squarely covered with this judgment and he should be granted benefit of ACP accordingly. He has also submitted that he was having Diploma in Physiotherapy which is a diploma/degree of X Group, therefore, he should be granted service pension of</p>

X Group from the date of discharge from service.

Learned counsel for the respondents submitted that applicant was enrolled in the Indian Air Force on 25.10.1980 and discharged on 31.10.2000 after completion of 19 years, 11 months and 08 days of qualifying service. The applicant had undergone Physio-Occupational Therapy Assistant (POTA) in service Class III training in 1986 and Class-II training in 1992. After completion of POTA Class-II training in 1992 he was awarded with Diploma in Physiotherapy on 01.02.1992 and upgraded in Group II. He was paid Group-II payment till his retirement from service, i.e. 31.10.2000.

Learned counsel for the respondents further submitted that prior to implementation of 5th CPC, Medical Assistant tradesmen were placed in Group-III and on completion of Class-II specialization training, they were upgraded in Group-II. Post implementation of 5th CPC, earlier system of Group I, II, III and IV was abolished in Oct 1997 and restructured as Group X, Y & Z w.e.f. 10.10.1997 in terms of AFI 1/S/98. All Medical Assistant tradesmen (GD, degree diploma, Class-III/II/I) were placed in Group 'Y' and payment structure for all Medical Assistants is as per recommendation of 5th CPC since then. Since there are no Govt. orders regarding grant of pension equivalent to Diploma for the trades under Group 'Y', pension is sanctioned/revised as per the Rank/Group and last pay drawn by the individual. Hence, applicant is not entitled to any revision of his pension based on his POTA Class II training certificate/diploma qualification in Group 'Y'. He pleaded for dismissal of the application.

In view of aforesaid discussion/observation, we find that since benefit of ACP before 01.01.2006 was applicable on completion of 10 years of service (1st upgradation) and 2nd upgradation on completion of 20 years of service and in the instant case, the applicant has already been promoted/achieved the rank of Sgt. before his discharge from service, hence, he is not eligible for any more benefit of ACP as per rules/policy on the subject.

As far as pension of Group 'X', taking into consideration/possession of his Diploma of Physiotherapy, is concerned, it is not applicable to the applicant as he was in receipt of Group II payment till his retirement from service, therefore, applicant being retired in Group 'Y' is not entitled revision of his pension in Group 'X' on the ground of having Physiotherapy Diploma.

In the result, we are of the view that applicant has not been able to make his case and the same is liable to be dismissed being devoid of merit. The benefit of **Ex Sgt Lakshmi Narayain Singh** (supra) case cannot be extended to the applicant being based on different facts and circumstances as in that case, applicant was discharged from service on 17.01.2008 after the effective date of MACP policy and accordingly, he was granted benefit of MACP which was applicable w.e.f. 01.01.2006.

Accordingly, Original Application **dismissed**.

No order as to costs.

Pending Misc. Application(s), if any, shall stand disposed off.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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