

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 1)**

**Dairy No. 1299 of 2023**

**Smt Dilsara Devi Gauchan** Applicant  
By Legal Practitioner for the Applicant: Shri Veer Raghav Chaubey, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Ashish Kumar Singh, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</li><li>2. On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</li><li>3. Registry has pointed out certain defects which learned counsel for the applicant has not removed.</li><li>4. As prayed, learned counsel for the applicant is granted two weeks time to remove the defects pointed out by the registry.</li><li>5. List on <b>19.07.2023</b>.</li></ol> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 2)**

**Dairy No. 1300 of 2023**

**Smt Gom Jom Ghaleni** Applicant  
By Legal Practitioner for the Applicant: Shri Veer Raghav Chaubey, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri JN Mishra, Advocate

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|------------------------------|---|
| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Memo of appearance filed by Shri JN Mishra, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p>2. On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present.</p> <p>3. Registry has pointed out certain defects which learned counsel for the applicant has not removed.</p> <p>4. As prayed, learned counsel for the applicant is granted two weeks time to remove the defects pointed out by the registry.</p> <p>5. List on <b>19.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 3)**

**Dairy No. 1301 of 2023**

**Smt Dhan Maya Pun** Applicant  
By Legal Practitioner for the Applicant: Shri Veer Raghav Chaubey, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Mrs Anju Singh, Advocate

|                              |   |
|------------------------------|---|
| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Memo of appearance filed by Mrs Anju Singh, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p>2. On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondents are present.</p> <p>3. Registry has pointed out certain defects which learned counsel for the applicant has not removed.</p> <p>4. As prayed, learned counsel for the applicant is granted two weeks time to remove the defects pointed out by the registry.</p> <p>5. List on <b>19.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 4)**

**Dairy No. 1302 of 2023**

**Smt Bol Maya Poudel alias Bal Maya** Applicant  
By Legal Practitioner for the Applicant: Shri Veer Raghav Chaubey, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Memo of appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p>2. On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>3. Registry has pointed out certain defects which learned counsel for the applicant has not removed.</p> <p>4. As prayed, learned counsel for the applicant is granted two weeks time to remove the defects pointed out by the registry.</p> <p>5. List on <b>19.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 5)**

**O.A. No. 476 of 2023 with M.A. No. 565 of 2023**

**Ex Sep ACP-1 Rakesh Chandra Pandey & Others** Applicant  
By Legal Practitioner for the Applicant: Shri Chaturbhuj Dwivedi, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Rajiv Pandey, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Memo of appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p><b><u>M.A. No. 565 of 2023</u></b></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is a delay of 07 months and 16 days in filing original application.</p> <p>4. Heard Shri Chaturbhuj Dwivedi, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents on delay condonation application.</p> <p>5. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>7. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 476 of 2023</u></b></p> <p>10. Matter needs adjudication.</p> <p>11. Admit.</p> <p>12. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit.</p> <p>13. List on <b>21.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/><b>Member (A)</b><br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/><b>Member (J)</b></p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 6)**

**O.A. No. 513 of 2023 with M.A. No. 613 of 2023**

**Ex Nk Sukhendra Singh Rathore**

Applicant

By Legal Practitioner for the Applicant: Shri AK Chaudhary, Advocate  
Shri Raj Kumar Mishra, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Dr. Gyan Singh, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Memo of appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p>2. On the case being taken up for hearing Dr. Gyan Singh, Ld. Counsel for the respondents is present.</p> <p>3. Learned counsel for the respondents pointed out that copy of paper Nos 28, 30, 32 and 37 annexed with O.A. are blurred.</p> <p>4. Learned counsel for the applicant is directed to provide legible copy of aforesaid papers to learned counsel for the applicant within a week.</p> <p>5. List on <b>31.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 7)**

**EX- A. No. 78 of 2022 Inre O.A. No. 497 of 2018**

**Nk (TS) Mistar Singh (Retd)** Applicant  
By Legal Practitioner for the Applicant: Shri Shailendra Kumar Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Sunil Sharma, Advocate

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|------------------------------|--|
| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the applicant submits that PPO has been received. He prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>3. List on <b>01.06.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 8)**

**O.A. No. 1110 of 2022**

**WO Sushil Kumar (Retd)**

Applicant

By Legal Practitioner for the Applicant: Ms. Upasna Mishra, Advocate  
Shri Kapil Sharma, Advocate  
Shri Raj Kumar Mishra, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Rajeev Narayan Pandey, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Ms. Upasna Mishra, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents.</p> <p>2. Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>3. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicant being retired on 30.06.2020 is entitled for grant of last increment due on 01.07.2020 as per decision of the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (W.P. No. 15732 of 2017, decided on 15.09.2017).</p> <p>4. 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. 30.06.2020 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2020. 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>5. The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-</p> |



“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.”

6. 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 30.06.2020, but the increment fell due on the next day of his retirement 01.07.2020, on which date he was not in service, he has to be treated as having completed one full year of service.

7. 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 01.07.2019 to 30.06.2020, as he has completed one full year of service, though his increment fell on 01.07.2020, 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

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

**(Maj Gen Sanjay Singh)**  
Member (A)

rathore

**(Justice Anil Kumar)**  
Member (J)

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 9)**

**O.A. No. 1111 of 2022**

**JWO Jitendra Kumar (Retd)**

Applicant

By Legal Practitioner for the Applicant: Ms. Upasna Mishra, Advocate  
Shri Kapil Sharma, Advocate  
Shri Raj Kumar Mishra, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Arvind Kumar Pandey, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Ms. Upasna Mishra, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p>2. Counter affidavit filed by the respondents is taken on record.</p> <p>3. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicant being retired on 30.06.2020 is entitled for grant of last increment due on 01.07.2020 as per decision of the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (W.P. No. 15732 of 2017, decided on 15.09.2017).</p> <p>4. 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. 30.06.2020 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2020. 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>5. The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-</p> |

“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.”

6. 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 30.06.2020, but the increment fell due on the next day of his retirement 01.07.2020, on which date he was not in service, he has to be treated as having completed one full year of service.

7. 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 01.07.2019 to 30.06.2020, as he has completed one full year of service, though his increment fell on 01.07.2020, 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

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

**(Maj Gen Sanjay Singh)**  
Member (A)

rathore

**(Justice Anil Kumar)**  
Member (J)

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 10)**

**O.A. No. 73 of 2023 with M.A. No. 67 of 2023**

**Ex Cfn Arun Kumar Shahi** Applicant  
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b><br/><b><u>M.A. No. 67 of 2023</u></b></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is a delay of 04 months and 06 days in filing original application.</p> <p>4. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents on delay condonation application.</p> <p>5. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>7. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 73 of 2023</u></b></p> <p>9. Matter needs adjudication.</p> <p>10. Admit.</p> <p>11. Learned counsel for the respondents has filed counter affidavit which is taken on record.</p> <p>12. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>13. List on <b>21.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/><b>Member (A)</b><br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/><b>Member (J)</b></p> |

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.2 (Sl. No. 11)

O.A. No. 87 of 2023

**Ex RHM Shiv Shakti Pandey**

Applicant

By Legal Practitioner for the Applicant: Shri R Chandra, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Rajesh Shukla, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents submits that parawise comments in this case have not been received. He prays for and is allowed four weeks time to file counter affidavit.</p> <p>3. List on <b>02.06.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 12)**

**O.A. No. 106 of 2023 with M.A. No. 102 of 2023**

**Ex Sep Rakesh Ranjan** Applicant  
By Legal Practitioner for the Applicant: Shri Bed Prakash Rai, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Ashish Kumar Singh, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Bed Prakash Rai, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Objection on delay condonation application filed by learned counsel for the respondents is taken on record.</p> <p>3. On request of learned counsel for the applicant two weeks time is granted to file replication.</p> <p>4. List on <b>02.06.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 13)**

**O.A. No. 359 of 2023 with M.A. No. 417 of 2023**

**Ex Nb Sub Brijesh Kumar Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Amrendra Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Ashish Kumar Singh, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Amrendra Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents prays for and is allowed two weeks further time to file objection on delay condonation application.</p> <p>3. In order dated 28.03.2023 name of Shri Yogesh Kesarwani, Advocate was wrongly mentioned, which is corrected to read as under:-<br/>For – Shri Yogesh Kesarwani, learned counsel for the respondents<br/>Read-Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>4. List on <b>31.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

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

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**

**Court No.2 (Sl. No. 14)**

**O.A. No. 360 of 2023 with M.A. No. 418 of 2023**

**Ex Nb Sub Birendra Singh**

Applicant

By Legal Practitioner for the Applicant: Shri Amrendra Singh, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Bipin Kumar Singh, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Objection on delay condonation application filed by learned counsel for the respondents is taken on record.</p> <p>2. In order dated 28.03.2023 name of Shri RC Shukla, Advocate was wrongly mentioned, which is corrected to read as under:-<br/>For – Shri RC Shukla, learned counsel for the respondents<br/>Read-Shri Bipin Kumar Singh, learned counsel for the respondents.</p> <p><b><u>M.A. No. 418 of 2023</u></b></p> <p>3. This is an application for condonation of delay in filing Original Application.</p> <p>4. As per office report, there is a delay of 14 yrs, 09 months and 06 days in filing original application.</p> <p>5. Heard Shri Amrendra Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents on delay condonation application.</p> <p>6. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>7. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>8. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>9. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 360 of 2023</u></b></p> <p>10. Matter needs adjudication.</p> <p>11. Admit.</p> <p>12. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit to which learned counsel for the applicant may file rejoinder affidavit, if any, within two weeks thereafter.</p> <p>13. List on <b>21.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/><b>Member (A)</b><br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/><b>Member (J)</b></p> |



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

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**

**Court No.2 (Sl. No. 15)**

**O.A. No. 361 of 2023 with M.A. No. 419 of 2023**

**Ex Nk (ACP Hav) Jaya Prakash**

Applicant

By Legal Practitioner for the Applicant: Shri Ravi Kumar Yadav, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Arvind Kumar Pandey, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Objection on delay condonation application filed by learned counsel for the respondents is taken on record.</p> <p>2. In order dated 28.03.2023 name of Shri Adesh Kumar Gupta, Advocate was wrongly mentioned in place of Shri Arvind Kumar Pandey, Advocate which is corrected to read as under:-</p> <p style="padding-left: 40px;">For Shri Adesh Kumar Gupta, Advocate<br/>Read Shri Arvind Kumar Pandey, Advocate</p> <p><b><u>M.A. No. 419 of 2023</u></b></p> <p>3. This is an application for condonation of delay in filing Original Application.</p> <p>4. As per office report, there is a delay of 15 yrs, 04 months and 21 days in filing original application.</p> <p>5. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents on delay condonation application.</p> <p>6. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>7. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>8. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>9. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 361 of 2023</u></b></p> <p>10. Matter needs adjudication.</p> <p>11. Admit.</p> <p>12. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit to which learned counsel for the applicant may file rejoinder affidavit, if any, within two weeks thereafter.</p> <p>13. List on <b>24.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/><b>Member (A)</b><br/><i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b><br/><b>Member (J)</b></p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 16)**

**O.A. No. 478 of 2023 with M.A. No. 567 of 2023**

**Ex Sub Fayaz Khan** Applicant  
By Legal Practitioner for the Applicant: Shri Ravi Kumar Yadav, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents submits that he has received complete copy of the petition. He prays for and is allowed two weeks time to file objection on delay condonation application.</p> <p>3. List on <b>24.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.2 (Sl. No. 17)

T.A. No. 1 of 2022

**Wg Cdr Peter Carl Francis D' Souza (Retd)** Petitioner  
By Legal Practitioner for the Petitioner: Shri Anurag Tyagi, Advocate  
Shri Udayan Pratap Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Pushpendra Mishra, Advocate

| Notes of the Registry | Orders of the Tribunal  |
|-----------------------|---|
|                       | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Anurag Tyagi and Shri Udayan Pratap Singh, Ld. Counsel for the Petitioner and Shri Pushpendra Mishra, Ld. Counsel for the respondents are present.</p> <p>2. Supplementary counter affidavit has not been filed by learned counsel for the respondents. He prays for and is granted two weeks and no more further time to file supplementary counter affidavit.</p> <p>3. List on <b>26.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 18)**

**O.A. No. 585 of 2020**

**Ex Rect Vijay Pratap Yadav** Applicant  
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate  
Shri Sachindra Pratap Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Asheesh Agnihotri, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Asheesh Agnihotri, Ld. Counsel for the respondents is present.</p> <p>2. Heard argument of learned counsel for the respondents at length.</p> <p>3. Since learned counsel for the applicant is not present, matter requires further hearing.</p> <p>4. List on <b>08.05.2023</b> for further hearing.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

Form No. 4  
{See rule 11(1)}  
ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.2 (Sl. No. 19)

O.A. No. 551 of 2021

**Ex Hav Arun Kumar Roy** Applicant  
By Legal Practitioner for the Applicant: Shri Suresh Chandra Pandey, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

| Notes of the Registry | Orders of the Tribunal   |
|-----------------------|--|
|                       | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. On the case being taken up for hearing Shri Yogesh Kesarwani, Ld. Counsel for the respondents is present.</li><li>2. Rejoinder affidavit has not been filed.</li><li>3. Learned counsel for the applicant is granted two weeks further time as last opportunity to file rejoinder affidavit.</li><li>4. List on <b>26.05.2023</b>.</li></ol> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 20)**

**O.A. No. 743 of 2022**

**Gp Capt Rajendra Pal Singh (Retd)** Applicant  
By Legal Practitioner for the Applicant: Wg Cdr SN Dwivedi (Retd), Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Ms. Appoli Srivastava, Advocate

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>02.05.2023</u></b><br/><b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b><br/><b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>2. Pleadings are complete and the case is ripe for hearing.</p> <p>3. List on <b>22.08.2023</b> for hearing.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b><br/>Member (A)<br/><i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b><br/>Member (J)</p> |