

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 1)

O.A No. 392 of 2023 with M.A. No. 476 of 2023

Ex JWO Surendra Kumar & 19 Others

Applicants

By Legal Practitioner for the Applicants:

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 Arbind Kumar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b>11.04.2023</b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Arbind Kumar, 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. 476 of 2023</u></b></p> <p>This is an application for condonation of delay in filing Original Application.</p> <p>Heard Ms. Upasna Mishra, Shri Kapil Sharma and Shri Raj Kumar Mishra , Ld. Counsel for the applicants and Shri Arbind Kumar, Ld. Counsel for the respondents on delay condonation application.</p> <p>As per office report, there is a delay of 02 years, 02 months and 05 days in filing original application.</p> <p>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>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>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>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 392 of 2023</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>List on <b>03.07.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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

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

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

**O.A No. 394 of 2023 with M.A. No. 478 of 2023**

**Ex Hav Rajiv Kumar**

Applicant

By Legal Practitioner for the Applicant: Shri Bhanu Pratap Singh Chauhan, Advocate  
Shri Manoj Kumar Gupta, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Mrs Deepti Prasad Bajpai, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>Memo of appearance filed by Mrs Deepti P Bajpai, Advocate on behalf of the respondents is taken on record. Her name shall be shown in the cause list when the case is listed next.</p> <p><b><u>M.A. No. 478 of 2023</u></b></p> <p>This is an application for condonation of delay in filing Original Application.</p> <p>Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant on delay condonation application.</p> <p>As per office report, there is a delay of 07 months and 01 day in filing original application.</p> <p>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>Per contra, departmental representative 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>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>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 394 of 2023</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>List on <b>03.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**Court No.2 (Sl. No. 3)**

**O.A No. 396 of 2023 with M.A. No. 480 of 2023**

**Ex Hav Rajiv Kumar**

Applicant

By Legal Practitioner for the Applicant: Shri Bhanu Pratap Singh Chauhan, Advocate

**Versus**

**Union of India & Others**

Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Asish 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.</p> <p><b><u>M.A. No. 480 of 2023</u></b></p> <p>This is an application for condonation of delay in filing Original Application.</p> <p>Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents on delay condonation application.</p> <p>As per office report, there is a delay of 07 months and 01 day in filing original application.</p> <p>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>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>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>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 396 of 2023</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>List on <b>03.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

Form No. 4  
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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.2 (Sl. No. 4)

O.A No. 404 of 2023 with M.A. No. 492 of 2023

**Smt Suman W/o Late Ex Nk Dulare Lal** Applicant

By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate  
Shri Girish Tiwari, Advocate, Shri Dheerendra Kumar Agnihotri, Advocate, Shri Sandeep  
Tripathi, Advocate, Shri Vishnu Kant Awasthi, Advocate

**Versus**

**Union of India & Others** Respondents

By Legal Practitioner for Respondents: Shri Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b> Memo of appearance filed by Shri Shyam 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><b><u>M.A. No. 492 of 2023</u></b> This is an application for condonation of delay in filing Original Application. Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents on delay condonation application. As per office report, there is a delay of 05 years, 08 months and 20 days in filing original application. 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. 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. 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. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 404 of 2023</u></b> Matter needs adjudication. Admit. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks. List on <b>03.07.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 5)**

**EX-A No. 88 of 2023 Inre O.A. No. 133 of 2010**

**Ex Nk Yogendra Singh Tomar** Applicant  
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Namit Sharma, 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>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>This fresh execution application has been filed for execution of order dated 20.09.2017 passed in O.A. No. 133 of 2010.</p> <p>Learned counsel for the respondents prays for and is allowed four weeks time to seek instructions and file affidavit of compliance.</p> <p>List on <b>04.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 6)

M.A No. 493 of 2023 with M.A. No. 494 of 2023  
Inre R.A No. 9 of 2022 & O.A. No. 107 of 2021

Union of India & Others

Applicants

By Legal Practitioner for the Applicants:

Shri Arvind Kumar Pandey, Advocate

Versus

Ex Sep Dhananjay Kumar Singh

Respondent

By Legal Practitioner for Respondent:

Shri .....Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b>11.04.2023</b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b> Heard Shri Arvind Kumar Pandey, Ld. Counsel for the applicants is present.</p> <p><b><u>M.A. No. 493 of 2023</u></b> This is an application for condonation of delay in filing application for leave to appeal. There is delay of 60 days in filing leave to appeal. Submission of learned counsel for the applicants-Union of India &amp; Others is that delay in filing leave to appeal is not deliberate. His further submission is that the delay has caused due to correspondence with various agencies. Thus, his submission is that delay is not deliberate, but for the reasons mentioned above and time taken by the department in processing the case for filing of the present application, delay of 60 days is condonable in filing application for leave to appeal. We have gone through the affidavit filed in support of delay condonation application and find that the grounds and reasons shown in the accompanying affidavit for condonation of delay seem sufficient and therefore, delay in filing application is condoned. Delay condonation application stands disposed off.</p> <p><b><u>M.A. No. 494 of 2023</u></b> This application has been filed under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 04.01.2023 of this Tribunal passed in O.A. No. 107 of 2021. After perusing the order impugned, we find that no much or less point of law of general public importance is involved for grant of leave to appeal. Accordingly, leave to appeal is <b>rejected</b>.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 7)**

**EX-A No. 14 of 2022 Inre O.A. No. 753 of 2020**

**Ex Nb Sub Ramesh Chandra** Applicant  
By Legal Practitioner for the Applicant: Shri KC Ghildiyal, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Advocate holding brief for Shri KC Ghildiyal, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that operation of order dated 25.08.2021 has been stayed by the Hon'ble Supreme Court vide order dated 31.01.2023 passed in Civil Appeal No 874 of 2023.</p> <p>Learned counsel for the respondents is directed to file copy of the aforesaid stay order by the next date fixed.</p> <p>List on <b>12.07.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 8)**

**EX-A No. 43 of 2022 Inre O.A. No. 658 of 2020**

**Ex Dfr Shiv Kumar** Applicant  
By Legal Practitioner for the Applicant: Col RC Dixit (Retd), Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri RC Shukla, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Col RC Dixit (Retd), Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>Objection against compliance report filed by learned counsel for the applicant is taken on record.</p> <p>Order in chamber.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>



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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.2 (Sl. No. 9)

EX-A No. 321 of 2022 Inre O.A. No. 421 of 2020

**Ex Gnr Ram Sharan @ Ram Saran** Applicant  
By Legal Practitioner for the Applicant: Shri Ashok Kumar, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>Affidavit of compliance has not been filed.</p> <p>As prayed by learned counsel for the respondents four weeks further time is granted to file affidavit of compliance on payment of cost of Rs 5,000/-.</p> <p>List on <b>24.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**EX-A No. 374 of 2022 Inre O.A. No. 90 of 2022**

**Ex Nk Nirbhay Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>Affidavit of compliance filed by learned counsel for the respondents is taken on record.</p> <p>Objection, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>List on <b>24.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**EX-A No. 4 of 2023 Inre T.A. No. 1295 of 2010**

**Ex Sub Chandra Deo Ram** Applicant  
By Legal Practitioner for the Applicant: Wg Cdr SN Dwivedi (Retd), Advocate

**Versus**

**Chief of Army Staff & Others** Respondents  
By Legal Practitioner for Respondents: Shri DK Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p>Reply to oral objection filed by learned counsel for the applicant is taken on record.</p> <p>Learned counsel for the respondents shall file clarification on the objection raised by learned counsel for the applicant within two weeks.</p> <p>List on <b>24.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 12)**

**O.A. No. 346 of 2019**

**Prem Sagar Tiwari** Applicant  
By Legal Practitioner for the Applicant: Shri Virat Anand Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Chet Narayan Singh, Ld. Counsel for the respondents is present.</p> <p>No one is present on behalf of the applicant even after the case was passed over.</p> <p>Learned counsel for the applicant was directed to file calculation sheet which he has not filed. Therefore, two weeks time as last opportunity is allowed to file calculation sheet clarifying dues and drawn statement.</p> <p>List on <b>26.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 13)**

**O.A. No. 342 of 2020**

**Dashartha W/o Late Sep Prem Chandra** Applicant  
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate  
Shri Rajesh Kumar Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Amit jaiswal and Shri Rajesh Kumar Awasthi, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit has not been filed, therefore opportunity to file the same is closed.</p> <p>Learned counsel for the respondents prays for and is allowed four weeks time to file objection on maintainability.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>10.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 14)**

**O.A. No. 36 of 2021**

**Ex Lance Nk Narayan Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Satendra Kumar Singh, Advocate  
Shri Shailendra Kumar, 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>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Satendra Kumar Singh and Shri Shailendra Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Rejoinder affidavit has not been filed, therefore opportunity to file the same is closed.</p> <p style="text-align: center;">List on <b>10.07.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 15)**

**O.A. No. 227 of 2021**

**Ex Sep Ravendra Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Dwijendra Mishra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Dwijendra Mishra, Ld. Counsel for the applicant and Shri SN Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">List on <b>24.05.2023</b> for hearing.</p> <p style="text-align: center;">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;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 16)**  
**O.A No. 942 of 2022 with M.A. No. 1152 of 2022**

**Ex Sep Ravinder Kumar** Applicant  
By Legal Practitioner for the Applicant: Shri Pawan Bisht, Advocate  
Ms. Priyanka Chaudhary, 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>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b> Reply to objection filed by learned counsel for the applicant is taken on record.</p> <p><b><u>M.A. No. 1152 of 2022</u></b> This is an application for condonation of delay in filing Original Application. Heard Shri Pawan Bisht and Ms. Priyanka Chaudhary, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents on delay condonation application. As per office report, there is a delay of 02 years, 01 month and 05 days in filing original application. Submission of learned counsel for the applicant is that applicant had given the file to main counsel in August, 2022 and thereafter, on account of stress and strain and ill health of main counsel this application could not be filed within time limit. In support of his claim for delay he has filed several medical papers on affidavit in support of this argument. 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. 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. Considering that grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No 942 of 2023</u></b> Matter needs adjudication. Admit. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks. List on <b>05.07.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>



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

**O.A. No. 1047 of 2022**

**Ex LAC Tejendra Singh Rana** Applicant  
By Legal Practitioner for the Applicant: Wg Cdr Ajit Kakkar (Retd), 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>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>List on <b>30.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> 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. 1058 of 2022 with M.A. No. 1266 of 2022**

**Ex Nk Arvind Kumar Tripathi** Applicant  
By Legal Practitioner for the Applicant: Shri Bhanu Pratap Singh, 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>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant prays for and is granted two weeks time to file reply, if any, to objection on delay condonation application.</p> <p>List on <b>10.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> 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. 1104 of 2022**

**Ex Sgt Krishna Shankar Mishra** Applicant  
By Legal Practitioner for the Applicant: Shri VP Pandey, Advocate  
Shri Rakesh Kumar Singh, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Shri VP Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, 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 enrolled on 01.07.1996 and retired on 30.06.2016 is entitled for grant of last increment due on 01.07.2016 as per decision of the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, <b><i>Ex HFL Sarvesh Kumar vs. Union of India &amp; Ors</i></b>, decided on 12.08.2021.</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. 30.06.2016 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2016. 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> <p style="text-align: center;">“5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay</p>

*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 30.06.2016, but the increment fell due on the next day of his retirement 01.07.2016, 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 01.07.2015 to 30.06.2016, as he has completed one full year of service, though his increment fell on 01.07.2016, for the purpose of pensionary benefits and not for any other purpose, after verifying documents. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

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

9. No order as to costs.

(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. 20)**

**Diary No. 691 of 2023**

**Ex Sgt Naval Kumar** Applicant  
By Legal Practitioner for the Applicant: Shri VP Pandey, Advocate  
Shri RK Singh, Advocate  
Shri Deepak Bhatt, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Adesh Kumar Gupta, 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>On the case being taken up for hearing Shri VP Pandey, Shri RK Singh and Shri Deepak Bhatt , Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p>Defects pointed out by the registry have not been removed.</p> <p>Learned counsel for the applicant prays for and is allowed a week's time as last opportunity to remove the defects.</p> <p>List on <b>26.05.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 21)**

**O.A. No. 594 of 2020**

**Ex Sep Rahul Banshwar**

Applicant

By Legal Practitioner for the Applicant: Shri Nand Kishore, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Chet Narayan Singh, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Nand Kishore, Ld. Counsel for the applicant and Shri Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the applicant the case is adjourned.</p> <p>List on <b>25.05.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 22)**

**O.A. No. 317 of 2021 with M.A. No. 243 of 2022**

**Ex Rect Prashant Kumar Prikshit** Applicant  
By Legal Practitioner for the Applicant: Shri Pankaj Kumar Shukla, Advocate  
Shri Rahul Chaurasiya, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Amit Jaiswal, Ld. Counsel for the respondents is present.</p> <p>List has been revised.</p> <p>None appeared on behalf of the applicant even after pass over.</p> <p>The case is dismissed for want of prosecution.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 23)**

**O.A. No. 658 of 2021**

**Rect Sonveer**

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: Ms. Appoli Srivastava, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh and Shri Sachindra Pratap Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On request of learned counsel for the applicant the case is adjourned.</p> <p style="text-align: center;">List on <b>05.07.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>



**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 24)**

**O.A. No. 249 of 2022**

**Col Vikas Pandey** Applicant  
By Legal Practitioner for the Applicant: Shri Prabhat Kumar Tripathi, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted two weeks time to file rejoinder affidavit.</p> <p style="text-align: center;">List on <b>23.05.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>