

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

EX- A. No. 6 of 2019 Inre O.A. No. 290 of 2016

Ex Sep Harendra Vikram Singh

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>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>Shri Milton Sarkar, AAO (MIRC), PAO, Ahmednagar appeared and submitted that documents for getting sanction with regard to charged expenditure have been submitted to IHQ of MoD (Army) on 28.03.2023. He further submitted that since action at their end has been completed, his physical appearance may be exempted.</p> <p>We have given our anxious consideration to his submission and we find that action on the part of AAO (MIRC), PAO (OR) Ahmednagar has been completed, therefore his further appearance in the matter is exempted.</p> <p>As prayed by learned counsel for the respondents, four weeks further time is granted to file affidavit of compliance.</p> <p>List on 07.07.2023.</p> <p>Let copy of this order be supplied to OIC Legal Cell.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

EX- A. No. 87 of 2021 alongwith R.A. No. 35 of 2022 (decided)
Inre O.A. No. 296 of 2021

Ex Spr Rashpal Singh

Applicant

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

Versus

Union of India & Others

Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ashok Singh, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents are present.</p> <p>Affidavit of compliance has not been filed.</p> <p>Cost imposed has also not been deposited.</p> <p>Learned counsel for the respondents submits that cost shall be deposited by the next date fixed.</p> <p>As prayed, two weeks further time is granted to file affidavit of compliance on payment of additional cost of Rs 10,000/-.</p> <p>List on 23.05.2023.</p> <p>Let copy of this order be supplied to learned counsel for the respondents.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 5)

EX- A. No. 111 of 2022 Inre O.A. No. 38 of 2021

Swamy Nath, S/o Late Ex Nk Bagedu Singh Applicant
By Legal Practitioner for the Applicant: Shri R Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Manu Kumar Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant is present.</p> <p>As prayed by learned counsel for the applicant, list the case on 21.04.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 6)

O.A. No. 12 of 2021

Smt Phulmaya Lamichhane w/o Nk (Late) Hari Bahadur Gurung Applicant
By Legal Practitioner for the Applicant: Shri Veer Raghav Chaubey, Advocate
Ms.Revi Raghavan, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Veer Raghav Chaubey and Ms.Revi Raghavan, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, two weeks time is granted to seek instructions and file policy letter with regard to plural marriage in respect of Nepali Gorkha personnel.</p> <p>Let copy of this order be supplied to learned counsel for the respondents.</p> <p>List on 14.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 7)

O.A. No. 4 of 2022

Capt Sonam Tiwari (Retd) Applicant
By Legal Practitioner for the Applicant: Wg Cdr Ajit Kakkar (Retd), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief for Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit filed by learned counsel for the applicant is taken on record.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 14.07.2023 for hearing.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) 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. 39 of 2022

Spr Basav Raj Lamani

Applicant

By Legal Practitioner for the Applicant: Col RC Dixit (Retd), Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Ms. Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Col RC Dixit (Retd), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit filed by learned counsel for the applicant is taken on record.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 14.07.2023 for hearing.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 9)

O.A. No. 79 of 2022

Indresh Kumar Chaudhari B/o Late Sep Mahendra Kumar Applicant
By Legal Practitioner for the Applicant: Shri JN Mishra, Advocate
Shri Satyendra Kumar Mishra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Raju Pal, Advocate holding brief for Shri JN Mishra and Shri Satyendra Kumar Mishra, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit has not been filed.</p> <p>Two weeks further time is granted as last opportunity to file rejoinder affidavit.</p> <p>List on 14.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 10)

O.A. No. 257 of 2022

Smt Sunita W/o Late Ex Hav Ram Naresh Applicant
By Legal Practitioner for the Applicant: Shri Krishna Mohan Srivastava, Advocate
Shri Dileep Kumar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Suraj Bhan Yadav, Advocate holding brief for Shri Krishna Mohan Srivastava and Shri Dileep Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri and Mohd Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>Shri Suraj Bhan Yadav, Advocate holding brief for learned counsel for the applicant submits that compliance has been made and this O.A. has become infructuous.</p> <p>Accordingly, O.A. is dismissed being infructuous.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 11)

O.A. No. 378 of 2022

Ex Cfn Aryavir Tomar Applicant
By Legal Practitioner for the Applicant: Shri Chaudhary Narendra Singh, Advocate
Shri Ashok Kumar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Chaudhary Narendra Singh and Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents four weeks further time is granted to file counter affidavit.</p> <p>List on 18.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 634 of 2022

Rfn Salim Ahmad

Applicant

By Legal Practitioner for the Applicant: Ms. Madhulika Yadav, Advocate
Ms. Jyoti Srivastava, Advocate
Shri Amrendra Pratap, Advocate
Shri Ashish Srivastava, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri GS Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Ms. Madhulika Yadav, Ms. Jyoti Srivastava, Shri Amrendra Pratap and Shri Ashish Srivastava, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit on behalf of the applicant is taken on record.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 17.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 689 of 2022

L/Hav Vijay Pal Singh`

Applicant

By Legal Practitioner for the Applicant: Shri Vinay Pandey, 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><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri RK Singh, Advocate holding brief for Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by brief holder, the case is passed adjourned.</p> <p>List on 31.05.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 797 of 2022

Smt Guddi Devi, W/o Late Ex Sep Shish Ram Yadav Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate
Shri Sandeep Tripathi, Advocate
Shri Vishnu Kant Awasthi, 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><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, 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>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is allowed two weeks time to file rejoinder affidavit.</p> <p>List on 17.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) 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. 826 of 2022

Smt Banarasi Devi @ Smt Vanarasi Devi,
M/o Ex Sep Ajit Kumar Rai Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant submits that he does not intend to file rejoinder affidavit.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 17.07.2023 for hearing.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) 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. 836 of 2022

Ketaki Ranjan Nath

Applicant

By Legal Practitioner for the Applicant: Shri Ashok Kumar, 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><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit filed by learned counsel for the applicant is taken on record.</p> <p>Pleadings are complete and the case is ripe for hearing</p> <p>List on 12.05.2023 for hearing.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) 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. 844 of 2022

Ex Sub Santosh Kumar

Applicant

By Legal Practitioner for the Applicant: Shri KP Datta, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents, two weeks further time is granted to file counter affidavit.</p> <p>Rejoinder affidavit may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List on 17.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) 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. 1003 of 2022

Ex Rect Rahul Sharma Applicant
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that counter affidavit is ready and it will be filed during course of the day.</p> <p>Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>List on 19.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) 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. 69 of 2023

Ex HFL Virendra Kumar Sharma 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 Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>2. Heard Shri VP Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>3. 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 retired 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).</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. 30.06.2014 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>5. The law on notional increment has already been settled by the Hon'ble Madra High Court in the case of <i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i> (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. <i>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</i></p>

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 30.06.2014, 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.

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 01.07.2013 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, 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 copy of this order be provided to learned counsel for the respondents.

(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)

O.A. No. 100 of 2023 with M.A. No. 95 of 2023

Ex Nk Ravi Bhushan Applicant
By Legal Practitioner for the Applicant: Lt Col Nidhikant Dhyani (Retd), Advocate
Shri Raj Kumar Mishra, 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><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Lt Col Nidhikant Dhyani (Retd) and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that parawise comments are awaited. He prays for and is allowed three weeks further time to file counter affidavit.</p> <p>List on 19.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 152 of 2023

Smt Mukesh W/o Late Nk Rish Pal Singh Applicant
By Legal Practitioner for the Applicant: Shri KK Misra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>As prayed by learned counsel for the respondents, four weeks further time is granted to file objection on maintainability.</p> <p>List on 31.05.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) 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. 155 of 2023

Ex ACP Nb Sub Pramod Singh Yadav

Applicant

By Legal Practitioner for the Applicant: Shri KP Datta, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Ms. Kavita Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Mrs Kavita Mishra, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, four weeks further time is granted to file counter affidavit.</p> <p>List on 19.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) 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. 181 of 2023

Nb Sub Laxmi Kant Shukla

Applicant

By Legal Practitioner for the Applicant: Shri Rohit Kumar, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, 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>Learned counsel for the respondents prays for and is granted two weeks time to file objection on maintainability.</p> <p>List on 31.05.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) 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. 203 of 2023

Ex Sub Padmaker Prasad Pandey

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri RC Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Ms. Upasna Mishra, Shri Raj Kumar Mishra and Shri Satya Narayan Mishra, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, a week's further time is granted to file counter affidavit.</p> <p>List on 03.05.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 25)

O.A. No. 340 of 2023 with M.A. No. 388 of 2023

Nb Sub (NT) Sabyasachi Kundu
through his wife Smt Banti Kundu

Applicant

By Legal Practitioner for the Applicant: Ms. Anjali Vikram Singh, Advocate
Shri Amar Kumar Dubey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Ms. Anjali Vikram Singh and Shri Amar Kumar Dubey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents two weeks further time is granted to file objection on maintainability.</p> <p>List on 02.06.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 26)

T.A. No. 47 of 2022

Ex Nb Sub Shyam Babu Petitioner
By Legal Practitioner for the Petitioner: Shri, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Pushendra Mishra, Ld. Counsel for the respondents is present.</p> <p>Notice issued is deemed to be sufficient on the applicant but none is present today.</p> <p>Accordingly, the case is dismissed in default.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 27)

O.A. No. 165 of 2020

Smt Suman Shahi w/o HFO (Late) Ram Adhar Shahi (Retd) & Other Applicants
By Legal Practitioner for the Applicants: Shri Shailendra Kumar Singh, Advocate
Shri Ravi Kumar Yadav, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicants and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Arguments heard.</p> <p style="text-align: center;">Order is reserved.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 28)

O.A. No. 261 of 2020

Ram Nath Mishra Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, 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>Learned counsel for the applicant submits that he wants to amend prayer clause.</p> <p>He prays for and is allowed two weeks time to amend the prayer clause.</p> <p>List on 10.05.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 29)

O.A. No. 103 of 2021

Sep Vinod Kumar Mishra (Retd) Applicant
By Legal Practitioner for the Applicant: Shri Shailendra Kumar Singh, Advocate
Shri Ravi Kumar Yadav, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 31.07.2023 for 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>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 30)

O.A. No. 229 of 2021

Ex Lance Nk Ram Soorat Mishra Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents, two weeks and no more time is granted to file reply to supplementary affidavit filed by learned counsel for the applicant.</p> <p>List on 24.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 31)

O.A. No. 262 of 2021

Ex Sub Maj Nathu Lal Mishra Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for two weeks time to seeks instructions and file affidavit clarifying points raised in Para 6 of the rejoinder affidavit failing which opportunity to file the same shall be closed and case shall be heard finally.</p> <p>List on 24.07.2023 for hearing.</p> <p>Let copy of this order be supplied to learned counsel for the respondents.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 32)

O.A. No. 268 of 2021

Ram Kumar Yadav

Applicant

By Legal Practitioner for the Applicant: Shri Vinay Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri GS Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri RK Singh, Advocate holding brief for Shri Vinay Pandey, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>Last opportunity to file rejoinder affidavit was given but learned counsel for the applicant failed to file rejoinder affidavit, hence opportunity to file the same is closed.</p> <p>List on 24.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 33)

O.A. No. 449 of 2021

Sep Deepak Kumar Gupta

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, 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>Amendment application filed by learned counsel for the applicant is taken on record.</p> <p>Objection, if any, may be filed by learned counsel for the respondents within a week.</p> <p>List on 30.05.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 34)

O.A. No. 530 of 2021

Ex Sol Rect Rohit Kumar

Applicant

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

Shri Vikas Singh Chauhan, 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><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Raju Pal, Advocate holding brief for Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>On request of brief holder the case is adjourned.</p> <p>List on 27.07.2023 for 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;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 35)

O.A. No. 245 of 2022

Nb Sub Ram Kumar Singh Applicant
By Legal Practitioner for the Applicant: Wg Cdr SN Dwivedi (Retd), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>19.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The case was heard at length.</p> <p style="text-align: center;">List on 27.07.2023 for further hearing.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>