

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

Court No.2 (Sl. No. 1)

O.A. No. 298 of 2023 with M.A. No. 329 of 2023

Smt Munni Devi widow of Ex Gdsm Puran Mal & Others

Applicants

By Legal Practitioner for the Applicants:

Shri Vijay Kumar Pandey, Advocate
Shri Girish Tiwari, Advocate
Shri Dharendra Kumar Agnihotri, Advocate
Shri Sandeep Tripathi, Advocate
Shri Vishnu Kant Awasthi, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents:

Shri Alok Kumar Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of appearance filed by Shri Alok Kumar 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>Heard Shri Vijay Kumar Pandey, Shri Girish Tiwari, Shri Dharendra kumar Agnihotri, Shri Sandeep Tripathi and Shri Vishnu Kant Awasthi, Ld. Counsel for the applicants and Shri Alok Kumar Mishra, Ld. Counsel for the respondents on delay condonation application.</p> <p><u>M.A. No. 329 of 2023</u></p> <p>This is an application for condonation of delay in filing Original Application.</p> <p>As per office report, there is a delay of 05 months and 27 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><u>O.A. No 298 of 2023</u></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 30.05.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 2)

EX-A-No. 76 of 2023 Inre O.A. No. 582 of 2022

Lt Col Sharma Vipin Jaishree Radheshyam (Retd) Applicant
By Legal Practitioner for the Applicant: Shri JL Joel, 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>22.03.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of appearance filed by Shri GS Sikarwar, 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 JL Joel, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>This is fresh execution application for execution of order dated 01.11.2022 passed in O.A. No. 582 of 2022.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and file affidavit of compliance.</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>

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Court No.2 (Sl. No. 3)

EX-A-No. 25 of 2019 Inre O.A. No. 297 of 2011

Ex Sub Kedar Prasad Mishra 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 Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that the subject matter is pending before the Hon'ble Apex Court. He prays for and is granted four weeks time to file affidavit of compliance.</p> <p>List on 08.05.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 4)

EX-A- No. 3 of 2022 Inre EX-A. 234 of 2018 Inre O.A. No. 248 of 2015

Smt Malti Devi W/o Late Hav Deo Lakhn Prasad Applicant
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Shri Amit Jaiswal, learned counsel for the respondent No 1-5 submits that order under execution has been complied with on their part. He further submits that reply to objection shall be filed by Shri Yogesh Chandra Bhatt, learned counsel for respondent No 6 and 7 who is not present today.</p> <p>List on 08.05.2023 by which date learned counsel for the respondent No 6 and 7 shall file reply to the objections filed by learned counsel for the applicant.</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)

O.A. No. 304 of 2022

Ex Gnr Ram Tej Pandey

Applicant

By Legal Practitioner for the Applicant: Shri Ganesh Dutt Singh, 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>22.03.2023</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 Ganesh Dutt Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Shri Sunil Sharma, learned counsel for the respondent No 1 to 3 submits that impugned order is not against respondent No 1 to 3. He further submits that since prayer is not against respondent No 1 to 3, he will not fill counter affidavit in this regard.</p> <p>In this case notice has not been served to respondent No 4 and 5. Issue notice to respondent No 4 and 5 returnable within four weeks. Steps within a week. List on 19.05.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 6)

O.A. No. 1 of 2023

Ex Nk Rauf Khan (DSC) Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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, 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 Parawise comments for preparation of counter affidavit have not been received. He seeks and is allowed four weeks further time to file counter affidavit.</p> <p>Rejoinder affidavit, if any, will be filed within two weeks, thereafter.</p> <p>List on 01.06.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

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Court No.2 (Sl. No. 7)

O.A. No. 3 of 2023

Ex Sgt Subodh Misra 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: Mrs Kavita Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Shri VP Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Mrs Kavita Mishra, Ld. Counsel for the respondents.</p> <p>2. Counter affidavit filed by learned counsel for the respondent is taken on record.</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 enrolled on 01.07.1987 and retired on 30.06.2007 is entitled for grant of last increment due on 01.07.2007 as per decision of the Hon'ble Madras High Court in the case of <i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, <i>Ex HFL Sarvesh Kumar vs. Union of India & Ors</i>, 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.30.06.2007 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2007. Therefore, benefit of the Hon'ble Madras High Court order being <i>in personam</i> cannot be extended to the applicant and hence, Original Application is liable to be dismissed.</p> <p>5. The law on notional increment has already been settled by the Hon'ble Madras 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</p>

Judgment passed by the Hon'ble Madras Court is excerpted below:-

“5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.

6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep. by its **Secretary to Government, Finance Department and others v. M. Balasubramaniam**, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.

7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

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 30.06.2007, but the increment fell due on the next day of his retirement 01.07.2007 on which date he was not in service, he has to be treated as having completed one full year of service.

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 01.07.2006 to 30.06.2007, as he has completed one full year of service, though his increment fell on 01.07.2007, for the purpose of pensionary benefits and not for any other purpose, 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.

(Maj Gen Sanjay Singh)
Member (A)

(Justice Anil Kumar)
Member (J)

rathore

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Court No.2 (Sl. No. 8)

O.A. No. 5 of 2023

Ex Hav (Hony Nb Sub) Bhamar Pal Singh Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate
Shri Girish Tiwari, Advocate
Shri Dharendra Kumar Agnihotri, Advocate
Shri Sandeep Tripathi, Advocate
Shri Vishnu Kant Awasthi, 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>22.03.2023</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 Girish Tiwari, Shri Dharendra Kumar Agnihotri, Shri Vishnu Kant Awasthi, Shri Sandeep Tripathi and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and is allowed four weeks time to file counter affidavit.</p> <p>Rejoinder affidavit, if any, shall be filed within two weeks, thereafter.</p> <p>Similar Matter is pending before the Larger Bench of Hon'ble AFT, PB, New Delhi.</p> <p>List on 01.06.2023.</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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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 9)

O.A. No. 9 of 2023

Ex Hav (Hony Nb Sub) Ramesh Babu Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate
Shri Girish Tiwari, Advocate
Shri Dharendra Kumar Agnihotri, Advocate
Shri Sandeep Tripathi, Advocate
Shri Vishnu Kant Awasthi, 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>22.03.2023</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 Girish Tiwari, Shri Dharendra Kumar Agnihotri, Shri Vishnu Kant Awasthi, Shri Sandeep Tripathi and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and is allowed four weeks time to file counter affidavit.</p> <p>Rejoinder affidavit, if any, shall be filed within two weeks, thereafter.</p> <p>Similar Matter is pending before the Larger Bench of Hon'ble AFT, PB, New Delhi.</p> <p>List on 01.06.2023.</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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Court No.2 (Sl. No. 10)

O.A. No. 10 of 2023

Sri Devi, W/o Late Ex Hav (Hony Nb Sub) Ganpai & 4 Others Applicants
By Legal Practitioner for the Applicants: Shri Vijay Kumar Pandey, Advocate
Shri Girish Tiwari, Advocate
Shri Dharendra Kumar Agnihotri, Advocate
Shri Sandeep Tripathi, Advocate
Shri Vishnu Kant Awasthi, 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>22.03.2023</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 Girish Tiwari, Shri Dharendra Kumar Agnihotri, Shri Vishnu Kant Awasthi, Shri Sandeep Tripathi and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and is allowed four weeks time to file counter affidavit.</p> <p>Rejoinder affidavit, if any, shall be filed within two weeks, thereafter.</p> <p>Similar Matter is pending before the Larger Bench of Hon'ble AFT, PB, New Delhi.</p> <p>List on 01.06.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 11)

O.A. No. 12 of 2023

Ex Hav (Hony Nb Sub) Gajendra Singh Rathore Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate
Shri Girish Tiwari, Advocate
Shri Dharendra Kumar Agnihotri, 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>22.03.2023</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 Girish Tiwari, Shri Dharendra Kumar Agnihotri, Shri Vishnu Kant Awasthi, Shri Sandeep Tripathi and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and is allowed four weeks time to file counter affidavit.</p> <p>Rejoinder affidavit, if any, shall be filed within two weeks, thereafter.</p> <p>Similar Matter is pending before the Larger Bench of Hon'ble AFT, PB, New Delhi.</p> <p>List on 01.06.2023.</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
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Court No.2 (Sl. No. 12)

O.A. No. 43 of 2023

Ex Nk (MACP) Warish Husain Applicant
By Legal Practitioner for the Applicant: Shri Vinay Pandey, Advocate

Versus

Ex Cpl Dharm Raj Respondent
By Legal Practitioner for Respondent: Shri Arvind Kumar Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 Vinay Pandey, Ld. Counsel for the applicants and Shri Arvind Kumar Pandey, Ld. Counsel for the respondent are present.</p> <p>Counter affidavit filed by the respondent is taken on record.</p> <p>Learned counsel for the applicant may file rejoinder affidavit, if any, within next two weeks.</p> <p>List on 08.05.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

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Court No.2 (Sl. No. 13)

O.A. No. 44 of 2023

Ex Nk (MACP) Yadvendra Singh Applicant
By Legal Practitioner for the Applicant: Shri Vinay Pandey, Advocate

Versus

Ramesh Kumar Pal, S/o Late Ex Hav Ram Nath Respondent
By Legal Practitioner for Respondent: Mrs Anju Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 Vinay Pandey, Ld. Counsel for the applicants and Mrs Anju Singh, Ld. Counsel for the respondent are present.</p> <p>Counter affidavit filed by the respondent is taken on record.</p> <p>Learned counsel for the applicant may file rejoinder affidavit, if any, within next two weeks.</p> <p>List on 15.05.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 14)

O.A. No. 45 of 2023

Ex Nk (MACP) Avinash Pandey Applicant
By Legal Practitioner for the Applicant: Shri Vinay Pandey, 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>22.03.2023</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 Vinay Pandey, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondent is taken on record.</p> <p>Learned counsel for the applicant may file rejoinder affidavit, if any, within next two weeks.</p> <p>List on 15.05.2023.</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. 50 of 2023

Ex Sgt Ajay Kumar 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 Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri VP Pandey, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents.2. Counter affidavit filed by learned counsel for the respondent is taken on record.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 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 <i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, <i>Ex HFL Sarvesh Kumar vs. Union of India & Ors</i>, decided on 12.08.2021.4. 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.5. The law on notional increment has already been settled by the Hon'ble Madras 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:-

“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 30.06.2016, 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, 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.

(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. 16)

O.A. No. 52 of 2023

Ex L/Nk Abu Talib Anwar Applicant
By Legal Practitioner for the Applicant: Shri Gaurav Gupta, 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>22.03.2023</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 Gaurav Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit.</p> <p>Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks next.</p> <p>List on 12.05.2023.</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. 17)

O.A. No. 85 of 2023

Ex Hav Subhash Chandra & Ors

Applicants

By Legal Practitioner for the Applicants: Shri Vijay Kumar Pandey, 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 Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and is allowed four weeks time to file counter affidavit.</p> <p>Rejoinder affidavit, if any, shall be filed within two weeks, thereafter.</p> <p>Similar Matter is pending before the Larger Bench of Hon'ble AFT, PB, New Delhi.</p> <p>List on 01.06.2023.</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. 18)

O.A. (A) of 487 of 2021

Ex Wg Cdr Sushil Bajpai

Appellant

By Legal Practitioner for the Appellant: Shri SG Singh, Advocate
Shri Anand 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>22.03.2023</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 SG Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>The matter pertains to GCM.</p> <p>List before the appropriate Bench as per roster on 20.04.2023.</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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 19)

O.A. No. 258 of 2017

Akil Ahmed Ansari Applicant
By Legal Practitioner for the Applicant: Shri VP Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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;">On the case being taken up for hearing Shri VP Pandey, Ld. Counsel for the applicants and Shri RC Shukla, Ld. Counsel for the respondent assisted by Shri R Tiwari, Accts Officer, PCDA (P) Allahabad are present.</p> <p style="text-align: center;">List on 23.05.2023 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>

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

O.A. No. 423 of 2020

Ex Sub Sarvesh 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. Gyan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for adjournment of the case on the ground that original documents are not available today.</p> <p>Accordingly, the case is adjourned.</p> <p>List on 17.05.2023.</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. 21)

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

Sep Deepak Singh Chouhan Applicant
By Legal Practitioner for the Applicant: Shri Shiva Nand Mishra, 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>22.03.2023</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 Shiva Nand Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>The matter pertains to DCM.</p> <p>List before the appropriate Bench as per roster 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. 258 of 2021

Ex JWO Manoj Kumar Applicant
By Legal Practitioner for the Applicant: Shri Pankaj Kumar Shukla, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 Mahendra Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Brief holder Shri Mahendra Singh, Advocate prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned for the day as last opportunity.</p> <p>List on 30.05.2023.</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. 23)

O.A. No. 781 of 2021

Ex Rifleman Sunder Singh

Applicant

By Legal Practitioner for the Applicant: Shri KKS Bisht, Advocate

Versus

Union of India & Others

Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 VP Pandey, Advocate holding brief of Shri KKS Bisht, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>Brief holder Shri VP Pandey, Advocate prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned for the day.</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. 24)

O.A. No. 360 of 2022

Smt Kamla Devi, W/o Late Reservist Ram Nath Applicant
By Legal Practitioner for the Applicant: Shri Pankaj Kumar Shukla, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 Mahendra Singh, Advocate holding brief for Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Arguments concluded.</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. 25)

T.A. No. 84 of 2012

Narendra Kumar Rana Petitioner
By Legal Practitioner for the Petitioner: Shri Virat Anand Singh, 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>22.03.2023</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 applicant in person and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>The matter pertains to DCM.</p> <p>List before the appropriate Bench as per roster on 03.04.2023.</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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 26)

T.A. No. 37 of 2016

KN Dwivedi

Petitioner

By Legal Practitioner for the Petitioner: Shri KKS Bisht, Advocate

Versus

Union of India & Others

Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><u>22.03.2023</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 Ashish Kumar Singh and Shri DC Lohumi, Ld. Counsel for the respondents are present.</p> <p>The matter pertains to DCM.</p> <p>List before the appropriate Bench as per roster on 03.04.2023.</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. 27)

O.A. No. 374 of 2019

Sgt Sarwan Kumar Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate
Shri SC Yadav, 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>22.03.2023</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 and Shri SC Yadav, 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 amendment applicant is ready and it shall be filed shortly.</p> <p>As prayed, two weeks time is allowed to file amendment application.</p> <p>List on 16.05.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>