

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 1)

M.A. No. 737 of 2023 with M.A. No. 738 of 2023 Inre O.A. No. 34 of 2022

Union of India & Others

Applicants-respondents

By Legal Practitioner for the Applicants: Dr. Gyan Singh, Advocate

Versus

Ex Nk Ram Babu Pal

Respondent-applicant

By Legal Practitioner for Respondent: Shri, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2023</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 Dr. Gyan Singh, learned counsel for the applicant-respondents.</p> <p><u>M.A. No. 737 of 2023</u></p> <p>2. This is an application for condonation of delay in filing application for leave to appeal.</p> <p>3. There is delay of 09 months and 13 days in filing leave to appeal.</p> <p>4. Submission of learned counsel for the applicant-respondents is that delay in filing leave to appeal is not deliberate. His further submission is that the delay caused due to departmental correspondents. 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 09 months and 13 days is condonable in filing application for leave to appeal.</p> <p>5. We have gone through the affidavit filed in support of delay condonation application and we find that the ground 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><u>M.A. No. 738 of 2023</u></p> <p>6. 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 04.11.2022 of this Tribunal passed in O.A. No. 34 of 2022.</p> <p>7. After perusing the order impugned, we find that there is no point of law of general public importance involved in this case for grant of leave to appeal.</p> <p>8. Accordingly, leave to appeal is dismissed.</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. 2)

O.A. No. 602 of 2023 Inre M.A. No. 734 of 2023

Ex Sub Sanjeet Singh

Applicant

By Legal Practitioner for the Applicant: Shri SK Singh, Advocate
Shri Vikas Maurya, 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Memo of appearance filed by Shri Amit Jaiswal, 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><u>M.A. No. 734 of 2023</u></p> <p>2. This is an application for condonation of delay in filing Original Application.</p> <p>3. As per office report, there is delay of 08 months and 15 days in filing Original Application.</p> <p>4. Heard Shri SK Singh and Shri Vikas Maurya, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents on delay condonation application.</p> <p>5. Submission of learned counsel for the applicant is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>6. Per contra, learned counsel for the respondents opposed the prayer and submitted that Original Application is not maintainable on the ground of territorial jurisdiction. He further submitted that delay has not been properly explained.</p> <p>7. Considering that ground shown for delay in filing Original Application are sufficient and supported by affidavit, delay is liable to be condoned.</p> <p>8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 602 of 2023</u></p> <p>9. Matter needs adjudication.</p> <p>10. Admit.</p> <p>11. 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>12. List on 08.08.2023.</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. 3)

M. A. No. 736 of 2023 Inre O.A. No. 607 of 2022

Ex Hony Sub Anil Yadav

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri DK Pandey, Advocate

Notes of the Registry	Orders of the Tribunal															
	<p><u>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p><u>M. A. No. 736 of 2023</u></p> <p>2. This application has been filed by learned counsel for the applicant for correction of typographical error in order dated 03.05.2023 which was wrongly typed as 03.05.2022.</p> <p>3. Heard Shri KP Datta, learned counsel for the applicant.</p> <p>4. On perusal of order dated 03.05.2023 we find that there is error at the face of record which is required to be corrected as under:-</p> <table border="1"><thead><tr><th style="text-align: center;"><u>Page No</u></th><th style="text-align: center;"><u>For</u></th><th style="text-align: center;"><u>Read</u></th></tr></thead><tbody><tr><td style="text-align: center;">01</td><td>03rd day of May, 2022</td><td>03rd day of May, 2023</td></tr><tr><td style="text-align: center;">02</td><td>Pay matrix @ 44,900/- p.m. (Para 2 line 6 and 7)</td><td>Pay matrix @ 43,600/- p.m.</td></tr><tr><td style="text-align: center;">04</td><td>Applicant's basic pay (Para 3 line 24)</td><td>Applicant's basic pension</td></tr><tr><td style="text-align: center;">11</td><td>03rd day of May, 2022</td><td>03rd day of May, 2023</td></tr></tbody></table> <p>5. Let the correction be incorporated in order accordingly.</p> <p>6. M.A. No. 736 of 2023 is disposed off.</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>	<u>Page No</u>	<u>For</u>	<u>Read</u>	01	03 rd day of May, 2022	03 rd day of May, 2023	02	Pay matrix @ 44,900/- p.m. (Para 2 line 6 and 7)	Pay matrix @ 43,600/- p.m.	04	Applicant's basic pay (Para 3 line 24)	Applicant's basic pension	11	03 rd day of May, 2022	03 rd day of May, 2023
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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 Rajiv Narayan Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. 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>2. Affidavit of compliance has not been filed. Cost has not been paid.</p> <p>3. Two weeks further time is granted to learned counsel for the respondents on payment of additional cost of Rs 5,000/- failing which officer responsible for non implementation of order shall be personally present before this Tribunal to clarify the reason for non implementation of the order.</p> <p>4. List on 11.08.2023.</p> <p>5. 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>

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

EX - A. No. 184 of 2022 Inre O.A. No. 733 of 2020

Ex Rect/NA Hari Om

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri Vinay Pandey, Ld. Counsel for the applicant and Shri RC Shukla, Advocate holding brief for Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>2. Objection on compliance report has not been filed by learned counsel for the applicant. As prayed, two weeks time is granted to file objection on compliance report, if any.</p> <p>3. List on 04.08.2023.</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. 6)

EX - A. No. 255 of 2022 Inre O.A. No. 517 of 2017

Ex Sep Rahul Singh

Applicant

By Legal Practitioner for the Applicant: Shri Vinay Pandey, 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p>2. Objection on compliance report filed by learned counsel for the applicant is taken on record.</p> <p>3. As prayed by learned counsel for the respondents two weeks time is granted to file replication alongwith report of the medical board.</p> <p>3. List on 11.08.2023.</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. 7)

EX - A. No. 354 of 2022 Inre O.A. No. 784 of 2021

Ex Sep Nar Singh

Applicant

By Legal Practitioner for the Applicant: Shri KKS Bisht, 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri KKS Bisht, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents submits that PPO has been issued on 19.04.2023. He prays for and is allowed two weeks time to file compliance report alongwith copy of PPO.</p> <p>3. List on 11.08.2023.</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. 8)

EX - A. No. 379 of 2022 Inre O.A. No. 71 of 2020

Smt Vitana Devi W/o Late Sep Surya Pal Applicant
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>2. Affidavit of compliance has not been filed.</p> <p>3. Learned counsel for the respondents submits that the matter was submitted on 17.03.2023 but it was returned by PIFA thrice and on 22.05.2023 it was re-submitted to PIFA and presently it is pending with their office. He prays for and is allowed two weeks further time to file affidavit of compliance failing which PIFA shall remain present before this Tribunal on the date fixed to clarify reasons for non implementation of order of this Tribunal.</p> <p>4. Copy of this order be supplied to learned counsel for the respondents.</p> <p>5. List on 11.08.2023.</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)

EX- A. No. 396 of 2022 Inre O.A. No. 186 of 2022

Hav Ck Deepak Sahu Applicant
By Legal Practitioner for the Applicant: Shri Shailendra Kumar Singh, 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri R Chandra, Advocate holding brief for Shri Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. Affidavit of compliance filed by learned counsel for the respondents is taken on record. Objection, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>3. Brief holder prays for adjournment on the ground that Shri Shailendra Kumar Singh, learned counsel for the applicant is out of station.</p> <p>4. Accordingly, the case is adjourned.</p> <p>5. List on 14.08.2023.</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. 455 of 2022

Ex Sub Maj (Hony Capt) Ram Krishna Pandey Applicant
By Legal Practitioner for the Applicant: Shri Manoj Kumar Srivastava, 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>23.05.2023</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 Manoj Kumar Srivastava , Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>2. Rejoinder affidavit filed on behalf of the applicant is taken on record.</p> <p>3. Arguments completed. Order is reserved.</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. 776 of 2022

Poonam Choudhary W/o Late Lt Col Abhinav Choudhary Applicant
By Legal Practitioner for the Applicant: Shri Abhinav Bhattacharya, Advocate
Ms. Divya Singh, Advocate
Shri Amber Lal 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri Abhinav Bhattacharya, Ms Divya Singh and Shri Amber Lal Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit on behalf of the respondents is taken on record.</p> <p>3. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>4. List on 14.08.2023.</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. 12)

O. A. No. 871 of 2022

Sub Rajvir Singh (Retd)

Applicant

By Legal Practitioner for the Applicant: Shri Prahlad Maurya, 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri Prahlad Maurya, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. Rejoinder affidavit filed on behalf of the applicant is taken on record.</p> <p>3. Learned counsel for the applicant submits that he wants to amend the prayer clause of the O.A. He prays for and is allowed a week's time to file amendment application.</p> <p>4. List on 08.08.2023.</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. 13)

O.A. No. 917 of 2022

Smt Shalini Toppo Widow Ex Nk Late Ram Jivan Ram Applicant
By Legal Practitioner for the Applicant: Shri R Chandra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri R Chandra, Ld. Counsel for the applicant and Shri Alok Kumar Mishra and Shri Arvind Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit has not been filed on behalf of respondent No 5 and 6.</p> <p>3. Learned counsel for the respondent No 5 and 6 prays for and is allowed three weeks further time as last opportunity to file counter affidavit failing which case shall proceed ex-parte against respondent No 5 and 6.</p> <p>4. List on 14.08.2023.</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. 937 of 2022

Amit Bhardwaj, S/o Late Sep Dulo Prashad Applicant
By Legal Practitioner for the Applicant: Shri R Chandra, 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri R Chandra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit filed on behalf of the respondents is taken on record.</p> <p>3. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>4. List on 22.08.2023.</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 (SI. No. 15)

O.A. No. 355 of 2023

Sgt Ramlakhan Kumar

Applicant

By Legal Practitioner for the Applicant: Shri Kapil Sharma, Advocate
Shri Raj Kumar Mishra, Advocate
Ms. Upasna Mishra, 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><u>23.05.2023</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 Kapil Sharma, Shri Raj Kumar Mishra and Ms. Upasna Mishra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>2. Counter affidavit filed on behalf of 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 1st July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 16.12.2002 and retired on 31.12.2022 is entitled for grant of last increment due on 01.01.2023 as per decision of the Hon'ble Madras High Court in the case of <i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, Ex HFL Sarvesh Kumar vs. Union of India & Ors, decided on 12.08.2021.</p> <p>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. 31.12.2022 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.01.2023. 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. 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 31.12.2022, but the increment fell due on the next day of his retirement 01.01.2023, 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 01.01.2022 to 31.12.2022, as he has completed one full year of service, though his increment fell on 01.01.2023, for the purpose of pensionary benefits and not for any other purpose. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order after verifying the antecedents. 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. 466 of 2023 with M.A. No. 559 of 2023

Ex Nk Rajendra Bhagat Applicant
By Legal Practitioner for the Applicant: Shri Ajit Singh Gaherwar, Advocate
Shri Satya Narayan Mishra, Advocate
Shri SN Singh Gaherwar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri Ajit Singh Gaherwar and Shri Satya Narayan Mishra and Shri SN Gaherwar, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Objection regarding maintainability of O.A. filed by learned counsel for the respondents is taken on record.</p> <p>3. Replication, if any, may be filed by learned counsel for the applicant within a week.</p> <p>4. List on 22.08.2023.</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. 17)
O.A. No. 258 of 2017

Akil Ahmed Ansari

Applicants

By Legal Practitioner for the Applicants: Shri VP Pandey, 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri KKS Bisht, Advocate holding brief for Shri VP Pandey, Ld. Counsel for the applicants and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>2. Supplementary counter affidavit filed on behalf of the respondents is taken on record.</p> <p>3. Brief holder prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>4. 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: 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. 739 of 2021

Umesh Singh Yadav Applicant
By Legal Practitioner for the Applicant: Col AK Srivastava (Retd), Advocate
Mrs. Hemlata, Advocate
Shri Amrendu Srivastava, 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>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Col AK Srivastava (Retd), Mrs.Hemlata and Shri Amrendu Srivastava, Ld. Counsel for the applicant and Shri Amit Jaiswal, Advocate holding brief for Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>2. Brief holder Shri Amit Jaiswal, Advocate submits that Shri Yogesh Kesarwani, Advocate is busy in some urgent work in Hon'ble High Court and is unable to address the court. He prays for adjournment of the case.</p> <p>3. As prayed, the case is adjourned.</p> <p>4. List on 11.08.2023.</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. 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

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri Nikhil Gupta, Advocate holding brief for Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. Rejoinder affidavit filed on behalf of the applicant is taken on record.</p> <p>3. List on 08.08.2023.</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. 20)

O.A. No. 694 of 2022

Ex L/Nk (SHGD) Krishna Bihari Mishra Applicant
By Legal Practitioner for the Applicant: Col RA Pandey (Retd), Advocate
Shri Arun Kumar, 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>23.05.2023</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 Col RA Pandey (Retd) and shri Arun Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Advocate holding brief for Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>2. Brief holder Shri Amit Jaiswal, Advocate submits that Shri Yogesh Kesarwani, Advocate is busy in some urgent work in Hon'ble High Court and is unable to address the court. He prays for adjournment of the case.</p> <p>3. As prayed, the case is adjourned.</p> <p>4. List on 11.08.2023 as part heard case.</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>