

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

**O.A. No 236 of 2023**

**Ex POME Raman Sahu** Applicant  
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manish Kumar Rai, Ld. Counsel for the petitioner and Shri JN Mishra, Ld. Counsel for the respondents are present.</p> <p>Vide order dated 23.02.2023 order for recovery was stayed till the next date of listing i.e. till today which is further extended to the next date of listing.</p> <p>List on <b>21.04.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 1)**  
**(Main Cause list)**

**Ex-A/93 of 2019 Inre O.A. No. 481 of 2018**

**Dushyant Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Santosh Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri RKS Chauhan, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Santosh Singh, Ld. Counsel for the applicant and Shri RKS Chauhan, learned counsel for the respondents are present.</p> <p>Compliance report has not been filed.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time as last opportunity to file affidavit of compliance.</p> <p>List on <b>10.04.2023</b>.</p> <p>Let copy of this order be given to learned counsel for the respondents.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**Ex-A/19 of 2021 Inre O.A. No. 553 of 2018**

**Ex Sep Ram Otar Singh**

Applicant

By Legal Practitioner for the Applicant: Shri RK Sharma, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Anurag Mishra, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Anurag Mishra, learned counsel for the respondents is present.</p> <p>Learned counsel for the respondents submits that PPO has been issued on 09.02.2023.</p> <p>He prays for and is granted four weeks time as last opportunity to file affidavit of compliance.</p> <p>List on <b>10.04.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 3)**

**EX-A/86 of 2021 Inre O.A. No. 65 of 2020**

**Smt Chandrawat I W/o Late Ex Sep Sita Ram** Applicant  
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant is present.</p> <p>Affidavit of compliance has not been filed.</p> <p>Departmental Representative for the respondents prays for and is allowed four weeks time to file affidavit of compliance subject to payment of cost of Rs 10,000/- which shall be payable to the applicant.</p> <p>List on <b>10.04.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> <b>Member (A)</b> <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> <b>Member (J)</b></p>

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

**Ex-A/107 of 2021 Inre O.A. No. 104 of 2016**

**Smt Pankaj Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Dharam Raj Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Dharam Raj Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Advocate holding brief for Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Neither affidavit of compliance has been filed nor cost of Rs 10,000/- has been deposited.</p> <p>On request of learned counsel for the respondents two weeks time is granted to file affidavit of compliance.</p> <p>It is made clear that the cost so deposited shall be payable to AFT Bar association for upgradation of library.</p> <p>List on <b>13.04.2023</b>.</p> <p>Let copy of this order be supplied to learned counsel for the respondents.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**Ex-A/82 of 2022 Inre O.A. No. 508 of 2019**

**Smt Kalinder Devi alias Kalindi Devi** Applicant  
By Legal Practitioner for the Applicant: Shri Manoj Kumar Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing, Shri Manoj Kumar Singh, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondents are present.</p> <p>Compliance report has not been filed.</p> <p>Learned counsel for the respondents submits that name of officer responsible for implementation of order dated 29.09.2021 is Major Rajesh Kumar Gurung of Rajput Records.</p> <p>She prays for four weeks further time to file affidavit of compliance, which is allowed subject to payment of Rs 10,000/- else officer responsible for implementation of order shall be personally present before this Tribunal to explain the reasons for non implementation of order.</p> <p>List on <b>13.04.2023</b>.</p> <p>Let copy of this order be supplied to learned counsel for the respondents.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 6)**

**Ex-A/210 of 2022 Inre O.A. No. 149 of 2020**

**Hav (MP) Akhila Nand Mishra** Applicant  
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is granted further three weeks time to file affidavit of compliance.</p> <p>List on <b>13.04.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**Ex-A/246 of 2022 Inre O.A. No. 746 of 2021**

**Ex Sub (Hony Capt) Jaipal Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief for Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by brief holder, list this case on <b>13.04.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**Ex-A/270 of 2022 Inre O.A. No. 526 of 2019**

**Ram Chander** Applicant  
By Legal Practitioner for the Applicant: Shri Anand Yadav, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Shri GS Sikarwar, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Anand Yadav, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file affidavit of compliance.</p> <p>List on <b>17.04.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

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

**Ex Sub Chandra Deo Ram**

Petitioner

By Legal Practitioner for the Petitioner: Wg Cdr SN Dwivedi (Retd), Advocate

**Versus**

**Chief of Army Staff & Ors**

Respondents

By Legal Practitioner for Respondents: Shri DK Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>Heard Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the petitioner and Shri DK Pandey, Ld. Counsel for the respondents.</p> <p>Objection on execution application has not been filed by the respondents.</p> <p>Learned counsel for the respondents submits that it is third execution for implementation of order dated 25.01.2017 passed in T.A. No. 1295 of 2010. First execution application No. 193 of 2017 was disposed off finally vide order dated 07.02.2018 and second execution application No. 33 of 2021 was finally decided vide order dated 29.04.2022.</p> <p>Learned counsel for the applicant is directed to clarify the above objection orally raised by learned counsel for the respondents.</p> <p>List on 11.04.2023.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**Ex-A/14 of 2023 Inre O.A. No. 557 of 2021**

**Smt Laxmi Bai @ Lachhi Devi**  
**W/o Late Ex Hav Radhey Lal** Applicant  
By Legal Practitioner for the Applicant: Shri Rohitash Kumar Sharma, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Mrs Deepti P Bajpai, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>None is present on behalf of the parties. Departmental Representative for the respondents prays for and is granted four weeks time to file affidavit of compliance. List on <b>17.04.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**O.A. No. 752 of 2020**

**Dhakne Deepak Babanrao** 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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents and perused the record.</p> <p>The matter was heard at length.</p> <p>List on <b>25.04.2023</b> for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original record pertaining to the case, including leave details for two years, for perusal of the Bench.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**O.A. No. 587 of 2021**

**Ex Rfn Jai Shankar Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Rajesh Shukla, learned counsel for the respondents are present.</p> <p>Learned counsel for the applicant prays for and is allowed two weeks further time to file rejoinder affidavit.</p> <p>List on <b>25.04.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**O.A. No. 381 of 2022**

**Ex Nk (ACP Nb Sub) Kaushalesh 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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>As prayed, two weeks further time is granted to learned counsel for the respondents as last opportunity to file counter affidavit.</p> <p>List on <b>26.04.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**O.A. No. 807 of 2022**

**Ex Sub Maj Rajmani Tripathi**

Applicant

By Legal Practitioner for the Applicant: Shrikant Mishra, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Pushpendra Mishra, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shrikant Mishra, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents are present.</p> <p>Supplementary affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Supplementary rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>List on <b>25.04.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: right;"><b>(Justice Anil Kumar)</b> Member (J)</p>

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

**O.A. No. 988 of 2022**

**Ex Hav (Hony Nb Sub) Chhabi Nath Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate  
Shri Vishnu Kant Awasthi, Advocate  
Shri Sandeep Tripathi, Advocate  
Shri Girish Tiwari, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Amit Jaiswal, Ld. Counsel for the respondents is present.</p> <p>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.</p> <p>List on <b>25.04.2023</b>.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 16)**

**O.A. No. 1063 of 2022**

**Ex Sub (Nur Tech) Shekh Istak**

Applicant

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

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri KP Datta, learned counsel for the applicant and Shri Amit Jaiswal, 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.</p> <p>List on <b>25.04.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

**Form No. 4**  
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**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Sl. No. 17)**

**O.A. No. 38 of 2023**

**Ex WO Umesh Chandra Misra** Applicant  
By Legal Practitioner for the Applicant: Shri Keshav Sharma, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. Heard Shri Keshav Sharma, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</li><li>2. Counter affidavit filed by the respondents is taken on record.</li><li>3. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 30.06.1980 and retired on 30.06.2009 is entitled for grant of last increment due on 01.07.2009 as per decision of the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, <b><i>Ex HFL Sarvesh Kumar vs. Union of India &amp; Ors</i></b>, decided on 12.08.2021.</li><li>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. 31.12.2021 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2009. 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.</li><li>5. The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-</li></ol>

“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 30.06.2009, but the increment fell due on the next day of his retirement 01.07.2009, 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 01.07.2008 to 30.06.2009, as he has completed one full year of service, though his increment fell on 01.07.2009, 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. 18)**

**O.A. No. 54 of 2023**

**Ex Sgt Anshuman Kumar Prasad** 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 Manu Kumar Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Shri VP Pandey, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents.</p> <p>2. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 01.07.1996 and retired on 30.06.2016 is entitled for grant of last increment due on 01.07.2016 as per decision of the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, <b><i>Ex HFL Sarvesh Kumar vs. Union of India &amp; Ors</i></b>, decided on 12.08.2021.</p> <p>3. On the other hand, Ld. Counsel for the respondents contended that the applicant had served for complete one year from the date of his last annual increment, but he had not been granted annual increment as on the date of his discharge i.e. 30.06.2016 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2016. Therefore, benefit of the Hon'ble Madras High Court order being <i>in personam</i> cannot be extended to the applicant and hence, Original Application is liable to be dismissed.</p> <p>4. The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-</p>

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

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

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

5. 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.

6. In view of the above, the Original Application is **allowed**. The impugned order, if any, is set aside. The applicant shall be given one notional increment for the period from 01.07.2015 to 30.06.2016, as he has completed one full year of service, though his increment fell on 01.07.2016, for the purpose of pensionary benefits and not for any other purpose, after verifying documents. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

7. 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. 19)**

**O.A. No. 55 of 2023**

**Ex Sgt Sudhir Kumar Singh** 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 Devesh Kumar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>1. Heard Shri VP Pandey, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents.</p> <p>2. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 17.06.2002 and retired on 30.06.2022 is entitled for grant of last increment due on 01.07.2022 as per decision of the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, <b><i>Ex HFL Sarvesh Kumar vs. Union of India &amp; Ors</i></b>, decided on 12.08.2021.</p> <p>3. 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. 30.06.2022 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2022. 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>4. The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of <b><i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i></b> (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-</p> <p style="text-align: center;">“5. <i>The petitioner retired as Additional Director General, Chennai on</i></p>

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.”

5. 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 30.06.2022, but the increment fell due on the next day of his retirement 01.07.2022, on which date he was not in service, he has to be treated as having completed one full year of service.

6. 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 01.07.2021 to 30.06.2022, as he has completed one full year of service, though his increment fell on 01.07.2022, 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

7. 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. 20)**

**O.A. No. 191 of 2023 with M.A. No. 190 of 2023**

**Ex POME Bipin Kumar Varnwal**

Applicant

By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Rajiv Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p><b><u>M.A. No. 190 of 2023</u></b></p> <p>There is delay of 02 months and 25 days in filing the O.A. Applicant has moved application for condoning the delay in filing O.A.</p> <p>Learned counsel for the applicant submits that delay in filing is not deliberate but for the reasons shown in affidavit filed in support of delay condonation application.</p> <p>Learned counsel for the respondents submits that proper explanation of delay has not been given.</p> <p>Considering the submissions of learned counsel for the parties and facts and circumstances of the case we are of the view that cause shown in affidavit filed in support of delay condonation application is sufficient.</p> <p>Accordingly, delay is condoned and application is disposed off.</p> <p><b><u>O.A. No. 191 of 2023</u></b></p> <p>Heard on admission.</p> <p>The points raised in application are considerable and 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 learned counsel for the applicant may file rejoinder affidavit within two weeks next.</p> <p>List on <b>21.04.2023</b>.</p> <p>Applicant has also prayed for interim relief with regard to stay of alleged illegal recovery from pensionary benefits.</p>

Learned counsel for the applicant submits that applicant was discharged from service on 28.02.2015 as a group 'C' employee and notice has not been issued regarding any deduction from pension, reliance has been made on Hon'ble Supreme Court judgments in the case of **State of Punjab & Ors vs Rafiq Masih (White Washer)**, 2015 AIR (SC) 696 and **Thomas Daniel vs State of Kerala & Ors**, Civil Appeal No 7115 of 2010 decided on 02.05.2022.

Keeping in view of submission of learned counsel for the applicant and case law cited, and facts and circumstances of the case, recovery from pensionary benefits shall remain stayed till next date fixed.

**(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. 21)**

**O.A. No. 192 of 2023 with M.A. No. 191 of 2023**

**Ex POELR Pramod Kumar**

Applicant

By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, 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><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p><b><u>M.A. No. 191 of 2023</u></b></p> <p>There is delay of 05 months and 12 days in filing the O.A. Applicant has moved application for condoning the delay in filing O.A.</p> <p>Learned counsel for the applicant submits that delay in filing is not deliberate but for the reasons shown in affidavit filed in support of delay condonation application.</p> <p>Learned counsel for the respondents submits that proper explanation of delay has not been given.</p> <p>Considering the submissions of learned counsel for the parties and facts and circumstances of the case we are of the view that cause shown in affidavit filed in support of delay condonation application is sufficient.</p> <p>Accordingly, delay is condoned and application is disposed off.</p> <p><b><u>O.A. No. 192 of 2023</u></b></p> <p>Heard on admission.</p> <p>The points raised in application are considerable and 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 learned counsel for the applicant may file rejoinder affidavit within two weeks next.</p> <p>List on <b>21.04.2023</b>.</p> <p>Applicant has also prayed for interim relief with regard to stay of alleged illegal recovery from pensionary benefits.</p> <p>Learned counsel for the applicant submits that applicant was discharged</p>

from service on 31.01.2013 as a group 'C' employee and notice has not been issued regarding any deduction from pension, reliance has been made on Hon'ble Supreme Court judgments in the case of **State of Punjab & Ors vs Rafiq Masih (White Washer)**, 2015 AIR (SC) 696 and **Thomas Daniel vs State of Kerala & Ors**, Civil Appeal No 7115 of 2010 decided on 02.05.2022.

Keeping in view of submission of learned counsel for the applicant and case law cited, and facts and circumstances of the case, recovery from pensionary benefits shall remain stayed till next date fixed.

**(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. 22)**

**O.A. No. 194 of 2023 with M.A. No. 193 of 2023**

**Ex POME Khusheel Kumar Sharma** Applicant  
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>Heard Shri Manish Kumar Rai, Ld Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p><b><u>M.A. No. 193 of 2023</u></b></p> <p>There is delay of 06 months and 24 days in filing the O.A. Applicant has moved application for condoning the delay in filing O.A.</p> <p>Learned counsel for the applicant submits that delay in filing is not deliberate but for the reasons shown in affidavit filed in support of delay condonation application.</p> <p>Learned counsel for the respondents submits that proper explanation of delay has not been given.</p> <p>Considering the submissions of learned counsel for the parties and facts and circumstances of the case we are of the view that cause shown in affidavit filed in support of delay condonation application is sufficient.</p> <p>Accordingly, delay is condoned and application is disposed off.</p> <p><b><u>O.A. No. 194 of 2023</u></b></p> <p>Heard on admission.</p> <p>The points raised in application are considerable and 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 learned counsel for the applicant may file rejoinder affidavit within two weeks next.</p> <p>List on <b>21.04.2023</b>.</p> <p>Applicant has also prayed for interim relief with regard to stay of alleged illegal recovery from pensionary benefits.</p> <p>Learned counsel for the applicant submits that applicant was discharged</p>

from service on 28.02.2015 as a group 'C' employee and notice has not been issued regarding any deduction from pension, reliance has been made on Hon'ble Supreme Court judgments in the case of **State of Punjab & Ors vs Rafiq Masih (White Washer)**, 2015 AIR (SC) 696 and **Thomas Daniel vs State of Kerala & Ors**, Civil Appeal No 7115 of 2010 decided on 02.05.2022.

Keeping in view of submission of learned counsel for the applicant and case law cited, and facts and circumstances of the case, recovery from pensionary benefits shall remain stayed till next date fixed.

**(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. 23)**

**O.A. No. 195 of 2023 with M.A. No. 194 of 2023**

**Ex PORTAC Nandlal Singh Yadav** Applicant  
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manish Kumar Rai, Ld Counsel for the applicant and Shri Chet Narayan Singh, Ld. Counsel for the respondents is present.</p> <p><b><u>M.A. No. 194 of 2023</u></b></p> <p>There is delay of 05 months and 12 days in filing the O.A. Applicant has moved application for condoning the delay in filing O.A.</p> <p>Learned counsel for the applicant submits that delay in filing is not deliberate but for the reasons shown in affidavit filed in support of delay condonation application.</p> <p>Learned counsel for the respondents submits that proper explanation of delay has not been given.</p> <p>Considering the submissions of learned counsel for the parties and facts and circumstances of the case we are of the view that cause shown in affidavit filed in support of delay condonation application is sufficient.</p> <p>Accordingly, delay is condoned and application is disposed off.</p> <p><b><u>O.A. No. 195 of 2023</u></b></p> <p>Heard on admission.</p> <p>The points raised in application are considerable and 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 learned counsel for the applicant may file rejoinder affidavit within two weeks next.</p> <p>List on <b>21.04.2023</b>.</p> <p>Applicant has also prayed for interim relief with regard to stay of alleged illegal recovery from pensionary benefits.</p>

Learned counsel for the applicant submits that applicant was discharged from service on 31.07.2014 as a group 'C' employee and notice has not been issued regarding any deduction from pension, reliance has been made on Hon'ble Supreme Court judgments in the case of **State of Punjab & Ors vs Rafiq Masih (White Washer)**, 2015 AIR (SC) 696 and **Thomas Daniel vs State of Kerala & Ors**, Civil Appeal No 7115 of 2010 decided on 02.05.2022.

Keeping in view of submission of learned counsel for the applicant and case law cited, and facts and circumstances of the case, recovery from pensionary benefits shall remain stayed till next date fixed.

**(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. 24)**

**O.A. No. 196 of 2023 with M.A. No. 195 of 2023**

**Ex CPO COM (EW) Vinod Kumar** Applicant  
By Legal Practitioner for the Applicant: Shri Manish Kumar Rai, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manish Kumar Rai, Ld Counsel for the applicant and Shri Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p><b><u>M.A. No. 195 of 2023</u></b></p> <p>There is delay of 05 months and 12 days in filing the O.A. Applicant has moved application for condoning the delay in filing O.A.</p> <p>Learned counsel for the applicant submits that delay in filing is not deliberate but for the reasons shown in affidavit filed in support of delay condonation application.</p> <p>Learned counsel for the respondents submits that proper explanation of delay has not been given.</p> <p>Considering the submissions of learned counsel for the parties and facts and circumstances of the case we are of the view that cause shown in affidavit filed in support of delay condonation application is sufficient.</p> <p>Accordingly, delay is condoned and application is disposed off.</p> <p><b><u>O.A. No. 196 of 2023</u></b></p> <p>Heard on admission.</p> <p>The points raised in application are considerable and 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 learned counsel for the applicant may file rejoinder affidavit within two weeks next.</p> <p>List on <b>21.04.2023</b>.</p> <p>Applicant has also prayed for interim relief with regard to stay of alleged</p>

illegal recovery from pensionary benefits.

Learned counsel for the applicant submits that applicant was discharged from service on 31.01.2019 as a group 'C' employee and notice has not been issued regarding any deduction from pension, reliance has been made on Hon'ble Supreme Court judgments in the case of ***State of Punjab & Ors vs Rafiq Masih (White Washer)***, 2015 AIR (SC) 696 and ***Thomas Daniel vs State of Kerala & Ors***, Civil Appeal No 7115 of 2010 decided on 02.05.2022.

Keeping in view of submission of learned counsel for the applicant and case law cited, and facts and circumstances of the case, recovery from pensionary benefits shall remain stayed till next date fixed.

**(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. 25)**

**O.A. No. 831 of 2021**

**Ex JWO Rishikesh Tiwary**

Applicant

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

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents: Shri Rajesh Shukla, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">Heard Col RC Dixit (Retd) and Ms Supriya Tiwari, Ld Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The matter was heard at length.</p> <p style="text-align: center;">List on <b>24.03.2023</b> for further hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall provide copy of re-categorization medical board 2019 alongwith policy on obesity and BMI chard.</p> <p style="text-align: center;"><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p style="text-align: center;"><b>(Justice Anil Kumar)</b> Member (J)</p>