

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

O.A No. 389 of 2023 with M.A. No. 473 of 2023

Ex Hav/Clk Vinay Kumar Singh

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>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>On the case being taken up for hearing Shri RK Singh, Advocate holding brief for Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>There is delay of 07 months and 01 day in filing application for which learned counsel for the applicant has filed application for condonation of delay.</p> <p>Learned counsel for the respondents seeks and is allowed two weeks time to seek instructions and file objection.</p> <p>List on 05.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

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

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

O.A No. 400 of 2023 with M.A. No. 488 of 2023

Ex ACP Nk Manvendra Singh Applicant

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

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents: Mrs Kavita Mishra Belaura, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of appearance filed by Mrs Kavita Mishra Belaura, Advocate on behalf of the respondents is taken on record. Her name shall be shown in the cause list when the case is listed next.</p> <p><u>M.A. No. 488 of 2023</u></p> <p>This is an application for condonation of delay in filing Original Application.</p> <p>Heard Shri KP Datta, learned counsel for the applicant and Mrs Kavita Mishra Belaura, Ld. Counsel for the respondents on delay condonation application.</p> <p>As per office report, there is a delay of 07 months and 03 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 400 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 05.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 3)

O.A No. 401 of 2023 with M.A. No. 489 of 2023

Ex ACP Nk Vijay Kumar

Applicant

By Legal Practitioner for the Applicant: Shri KP Datta, 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>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u> Memo of appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p><u>M.A. No. 489 of 2023</u> This is an application for condonation of delay in filing Original Application. Heard Shri KP Datta, learned counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents on delay condonation application. As per office report, there is a delay of 07 months and 03 days in filing original application. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No 401 of 2023</u> Matter needs adjudication. Admit. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks. List on 05.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.2 (Sl. No. 4)

O.A No. 402 of 2023 with M.A. No. 490 of 2023

Smt Maya Kumari Chhetri

W/o Late Ex Hav Chitra Bahadur Limbu

Applicant

By Legal Practitioner for the Applicant: Shri R Chandra, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Ramesh Chandra Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u> Memo of appearance filed by Shri Ramesh Chandra Shukla, 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. 490 of 2023</u> This is an application for condonation of delay in filing Original Application. Heard Shri R Chandra, Ld. Counsel for the applicant and Shri Ramesh Chandrxu Shukla, Ld. Counsel for the respondents on delay condonation application. As per office report, there is a delay of 05 years, 09 months and 12 days in filing original application. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No 402 of 2023</u> Matter needs adjudication. Admit. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks. List on 07.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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

O.A No. 405 of 2023 with M.A. No. 497 of 2023

Miss Vishnu Kumari D/o Late Rfn Durga Bahadur Gurung Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate
Shri TK Shukla, 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>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>The Original application has been filed with delay of 11 years, 01 month and 24 days for which learned counsel for the applicant has filed application for condonation of delay.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file objection on delay condonation application.</p> <p>List on 02.06.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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

EX-A. No. 193 of 2018 Inre O.A. No. 145 of 2013

Satendra Singh Pal Applicant
By Legal Practitioner for the Applicant: Shri Pankaj Kumar Shukla, Advocate
Shri Rahul Dev Tripathi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Rahul Dev Tripathi, Ld. Counsel for the applicant and Shri Namit Sharma and Shri DC Lohumi, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the applicant seeks and is allowed two weeks time to file objection against compliance report.</p> <p style="text-align: center;">List on 24.05.2023.</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>

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Court No.2 (Sl. No. 7)

EX-A. No. 196 of 2022 Inre T.A. No. 16 of 2016

Ex Rect Ashutosh Singh

Petitioner

By Legal Practitioner for the Petitioner: Shri JN 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>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri JN Mishra, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents three weeks further is granted to file affidavit of compliance failing which cost of Rs 5,000/- shall be deposited by the respondents.</p> <p>List on 24.05.2023.</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>

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Court No.2 (Sl. No. 8)

EX-A No. 224 of 2022 Inre O.A. No. 281 of 2020

Ex Hav Ram Yatan Ram

Applicant

By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Rajesh Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that PPO in this case has been issued. He prays for and is allowed two weeks time to file compliance report.</p> <p>List on 24.05.2023.</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>

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Court No.2 (Sl. No. 9)

EX-A No. 228 of 2022 Inre O.A. No. 603 of 2021

Ex Hav (Amb Asst) Mahendra Kumar Jena Applicant
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, 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>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Affidavit of compliance has not been filed.</p> <p>On request of learned counsel for the respondents, three weeks further time is granted to file compliance report failing which officer responsible for non implementing order of this Tribunal shall be physically present before the Tribunal on the date fixed for clarifying the reason for delay in implementation.</p> <p>List on 05.07.2023.</p> <p>Let copy of this order be supplied to learned counsel for the respondents.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

EX-A No. 356 of 2022 Inre O.A. No. 379 of 2020

Ex Sigmn Rohitash Gurjar

Applicant

By Legal Practitioner for the Applicant: Shri KKS Bisht, 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>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri KKS Bisht, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, three weeks further time is granted to file affidavit of compliance on payment of cost of Rs 5,000/- which shall be deposited by the respondents in registry and shall be paid to the applicant.</p> <p>List on 05.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 414 of 2021

Smt Usha Devi M/o Late AC Satyam Aarya Applicant
By Legal Practitioner for the Applicant: Wg Cdr Ajit Kakkar (Retd), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief for Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>No rejoinder affidavit has been filed despite providing sufficient opportunities, therefore opportunity to file the same is closed</p> <p>List on 10.07.2023 for hearing.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 12)

O.A. No. 494 of 2021

Ex Hav Ram Narayan

Applicant

By Legal Practitioner for the Applicant: Shri Nisar Ahmed, Advocate
Shri Nishant Srivastava, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Shyam Singh, Advocate
Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shyam Singh, learned counsel for the respondent No 1 to 3 and Mohd Zafar Khan, learned counsel for the respondent No 4 and 5 are present.</p> <p>None is present on behalf of the applicant.</p> <p>Short counter affidavit on behalf of respondent No 4 and 5 is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.</p> <p>List on 10.07.2023 for hearing.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 566 of 2021

Hav (DSC) Chandra Pal Singh Chauhan (Retd) Applicant
By Legal Practitioner for the Applicant: Shri Shailendra Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant prays for and is granted two weeks time to file objection on compliance report.</p> <p>List on 29.05.2023.</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. 14)

O.A. No. 568 of 2021

Ex Sub (Hony Lt) Jawahar Lal Singh Applicant
By Legal Practitioner for the Applicant: Shri Rohit Kumar, Advocate

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents: Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shailendra Kumar Singh, Advocate holding brief for Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On request of brief holder the case is passed over for the day.</p> <p style="text-align: center;">List on 10.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 875 of 2021

Ex Sub Maj (Hony Capt) Sanjay Kumar Singh Applicant
By Legal Practitioner for the Applicant: Shri Yashpal 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>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri RK Singh, Advocate holding brief for Shri Yashpal Singh Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>On request of brief holder two weeks further time is granted to file rejoinder affidavit.</p> <p>List on 11.07.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 16)

O.A. No. 964 of 2022

Ex Hav Sukh Veer Singh

Applicant

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

Versus

Union of India & Others

Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri SN Singh Gaherwar, Shri Ajit Singh Gaherwar and Shri Satya Narayan Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant may file rejoinder affidavit, if any, within two weeks.</p> <p>List on 11.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 17)
O.A. No. 1105 of 2022

Ex Sgt Jitendra Kumar Shukla 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 SN Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>2. Heard Shri VP Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri SN Pandey, Ld. Counsel for the respondents.</p> <p>3. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1st July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 19.06.1998 and retired on 30.06.2018 is entitled for grant of last increment due on 01.07.2018 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. 30.06.2018 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2018. 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 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.”

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 30.06.2018, but the increment fell due on the next day of his retirement 01.07.2018, 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 01.07.2017 to 30.06.2018, as he has completed one full year of service, though his increment fell on 01.07.2018, 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

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 18)

O.A. No. 1106 of 2022

JWO Hridyesh Tiwari Applicant
By Legal Practitioner for the Applicant: Wg Cdr Ajit Kakkar (Retd), Advocate
Shri Manoj Kumar Awasthi, 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>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">The O.A. is allowed.</p> <p style="text-align: center;">For orders see our judgment and order passed on separate sheets.</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. 2 of 2023 with M.A. No. 2 of 2023

Cdr Onkar Prasad Pattnaik (Retd)

Applicant

By Legal Practitioner for the Applicant: Shri R Chandra 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>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p><u>M.A. No. 2 of 2023</u></p> <p>This is an application for condonation of delay in filing Original Application.</p> <p>Heard Shri R Chandra, learned counsel for the applicant Shri Amit Jaiswal, Ld. Counsel for the respondents on delay condonation application.</p> <p>As per office report, there is a delay of 03 months and 29 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 2 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 18.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 20)

O.A. No. 11 of 2023 with M.A. No. 12 of 2023

Smt Raj Kanwar W/o Late Ex Sub Maj (Hony Capt) Hari Singh Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate
Shri Sandeep Tripathi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u> Objection against delay condonation application is taken on record.</p> <p><u>M.A. No. 12 of 2023</u></p> <p>This is an application for condonation of delay in filing Original Application. As per office report, there is a delay of 32 years, 03 months and 13 days in filing original application. Heard Shri Vijay Kumar Pandey and Shri Sandeep Tripathi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No 11 of 2023</u></p> <p>Matter needs adjudication. Admit. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks. List on 11.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 97 of 2023

Sub Maj Ajad Singh

Applicant

By Legal Practitioner for the Applicant: Shri KK Misra, Advocate

Versus

Union of India & Others

Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri SK Srivastava, Advocate holding brief for Shri KK Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent No 1 to 3 are present.</p> <p>Notice to respondent No 4 is deemed to be sufficient.</p> <p>No one is present on behalf of respondent No 4.</p> <p>Learned counsel for the respondent No 1 to 3 prays for and is allowed two weeks time to file objection on maintainability.</p> <p>List on 01.05.2023.</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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No. 22)

O.A. No. 165 of 2023

Ex Sub Ravi Sharan Singh Applicant
By Legal Practitioner for the Applicant: Shri Ravi Kumar Yadav, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is allowed four weeks and no more time to file counter affidavit.</p> <p style="text-align: center;">List on 03.05.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: 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. 23)

O.A. No. 449 of 2021

Sep Deepak Kumar Gupta

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri RK Singh, Advocate holding brief for Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant has failed to file rejoinder affidavit even after providing sufficient opportunities, therefore opportunity to file the same is closed.</p> <p>Heard argument of learned counsel for the respondents.</p> <p>List on 19.04.2023 for further hearing.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

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

O.A. No. 845 of 2021

Smt Bebi Devi & Others

Applicants

By Legal Practitioner for the Applicants: Shri Ravi Kumar Yadav, Advocate
Shri Ajeet Yadav, Advocate

Versus

Union of India & Others

Respondents

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

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ravi Kumar Yadav and Shri Ajeet Yadav, Ld. Counsel for the applicants and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the applicant is directed to provide requisite documents to the respondents as per Para 9 of the counter affidavit.</p> <p style="text-align: center;">List on 12.07.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>