

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

**O.A. No. 115 of 2023 with M.A. No. 113 of 2023**

**Ex ACP Nb Sub Nagendra Kumar Singh** Applicant  
By Legal Practitioner for the Applicant: Shri KP Datta, 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>03.02.2023</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>Memo of appearance filed by Shri Shyam 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 KP Datta, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p><b><u>M.A. No. 113 of 2023</u></b></p> <p>This is an application for condonation of delay in filing Original Application.</p> <p>As per office report, there is a delay of 04 months and 28 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><b><u>O.A. No. 115 of 2023</u></b></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 <b>23.03.2023</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>

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

**O.A. No. 119 of 2023 with M.A. No. 116 of 2023**

**Ex Spr Rajesh 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: ....., Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.02.2023</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 SM Mustafa, Advocate holding brief for Shri VP Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant is present.</p> <p>A statement has been made at bar by Dr. Shailendra Sharma Atal, Advocate that Mrs Deepti Prasad Bajpai, Advocate is counsel in this case and she will file memo of appearance during course of the date.</p> <p>There is delay of 04 months and 28 days in filing Original Application.</p> <p>Maj Tarun, Departmental Representative for the respondents seeks and is allowed three weeks time to seek instructions and file objection, if any.</p> <p>List on <b>02.03.2023</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>

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

**O.A. No. 121 of 2023 with M.A. No. 118 of 2023**

**Ex Sub Rajesh 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: Dr. SN Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.02.2023</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>Memo of appearance filed by Dr. SN Pandey, 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 SM Mustafa, Advocate holding brief for Shri VP Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Dr. SN Pandey, Ld. Counsel for the respondents are present.</p> <p><b><u>M.A. No. 118 of 2023</u></b></p> <p>This is an application for condonation of delay in filing Original Application.</p> <p>As per office report, there is a delay of 04 months and 28 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><b><u>O.A. No. 121 of 2023</u></b></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 <b>23.03.2023</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: center;"><b>(Justice Anil Kumar)</b> <b>Member (J)</b></p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.3 (Sl. No. 4)**

**M.A. No. 110 of 2023 In ref: with M.A. No. 111 of 2023 Inre O.A. No 796 of 2021**

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

**Versus**

**Chandravati Devi**  
**W/o Late Ex Hav Girraj Kishore** Respondent-Applicant  
By Legal Practitioner for Respondent-Applicant: Shri ....., Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.02.2023</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 RC Shukla, Ld. Counsel for the applicant-respondents is present.</p> <p><b><u>M.A. No. 110 of 2023</u></b></p> <p>This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 796 of 2021. Admittedly, the application is time barred and has been moved beyond statutory period by three months and 06 days. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is <b>rejected</b>.</p> <p><b><u>M.A. No. 111 of 2023</u></b></p> <p>This application for grant of leave to appeal has been filed beyond the statutory period of limitation. Application for condonation of delay has been rejected.</p> <p>In consequence thereof the application for leave to appeal is also <b>rejected</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>

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**Court No.3 (Sl. No. 5)**

**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

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.02.2023</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Namit Sharma and DC Lohumi, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is allowed a week's time as last opportunity to file affidavit of compliance.</p> <p>List on <b>02.03.2023</b>.</p> <p><b>(Maj Gen Sanjay Singh)</b> Member (A) <i>rathore</i></p> <p><b>(Justice Anil Kumar)</b> Member (J)</p>

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**Court No.3 (Sl. No. 6)**

**EX- A. No. 28 of 2022 Inre O. A. No. 459 of 2018**

**Sub Madho Prasad** Applicant  
By Legal Practitioner for the Applicant: Shri Wg Cdr Ajit Kakkar (Retd), 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>03.02.2023</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 Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>In this case compliance report has already been filed to which no objection has been filed by learned counsel for the applicant.</p> <p>Accordingly, execution application is disposed of with full and final satisfaction.</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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**Court No.3 (Sl. No. 7)**

**O.A. No. 303 of 2022**

**Smt Uma, W/O Ex NK Hargovind Singh** Applicant  
By Legal Practitioner for the Applicant: Shri Vinay Pandey, Advocate  
Shri Prasoon Kumar Anjor, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.02.2023</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 Vinay Pandey and Shri Prasoon Kumar Anjor, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>This O.A. was filed on 12.04.2022 and admitted for hearing on 26.04.2022.</p> <p>Learned counsel for the respondents has failed to file counter affidavit even after providing adequate opportunities on 26.04.2022, 19.22.2022 and 11.01.2023, therefore, opportunity to file counter affidavit is hereby closed.</p> <p>The case shall proceed in absence of counter affidavit.</p> <p>List on <b>07.03.2023</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>

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**Court No. 3 (Sl. No. 8)**

**O.A. No. 304 of 2022**

**Ex Gnr Ram Tej Pandey** Applicant  
By Legal Practitioner for the Applicant: Shri Ganesh Dutt Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>03.02.2023</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 Ganesh Dutt Singh, Ld. Counsel for the applicant is present.</p> <p>This O.A. was filed on 13.04.2022.</p> <p>On 28.11.2022 last opportunity was given to file counter affidavit.</p> <p>Today, learned counsel for the respondents is not present.</p> <p>The counter affidavit has not been filed even after providing adequate opportunities, therefore, opportunity to file counter affidavit is hereby closed.</p> <p>The case shall proceed in absence of counter affidavit.</p> <p>List on <b>22.03.2023</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>



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**Court No. 3 (Sl. No. 9)**

**O.A. No. 648 of 2020 with M.A. No. 798 of 2022**

**JWO Jones MJ (Retd)** Applicant  
By Legal Practitioner for the Applicant: Shri AK Chaudhary, Advocate  
Shri Raj Kumar 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><b><u>03.02.2023</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 AK Chaudhary and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>2. Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>3. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1<sup>st</sup> July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 18.03.1997 and retired on 30.06.2017 is entitled for grant of last increment due on 01.07.2017 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>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. 30.06.2017 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2017. 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 <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</p>

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

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

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

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

6. In view of law laid down by the Hon'ble Madras High Court, upheld by the Hon'ble Apex Court, we are of the view that since the applicant had completed one full year service as on 30.06.2017, but the increment fell due on the next day of his retirement 01.07.2017, 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 01.07.2016 to 30.06.2017, as he has completed one full year of service, though his increment fell on 01.07.2017, 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)

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**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 3 (Sl. No. 10)**

**O.A. No. 165 of 2020**

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

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.02.2023</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 Shailendra Kumar Singh, Ld. Counsel for the applicant is present.</p> <p style="text-align: center;">Shri Namit Sharma, learned counsel for the respondents is not present.</p> <p style="text-align: center;">In the interest of justice, the case is passed over for the day.</p> <p style="text-align: center;">List on <b>14.02.2023</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>