

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

EX-A. No. 175 of 2022 Inre O.A. No. 629 of 2017

Ex JWO Vishnu Deo Tiwari

Applicant

By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate
Shri Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal and Shri Mohd. Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</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>

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

EX- A. No. 176 of 2022 Inre O.A. No. 58 of 2018

Ex JWO Ashok Kumar Applicant
By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Shyam Singh, Advocate
Shri Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Shyam Singh and Shri Mohd. Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

EX- A. No. 177 of 2022 Inre O.A. No. 119 of 2018

Ex MWO Surendra Kumar Srivastava Applicant
By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Shyam Singh and Shri Avaneesh Pal, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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

EX- A. No. 178 of 2022 Inre O.A. No. 635 of 2017

Ayodhya Tiwari S/o Late Ex Sub Brij Behari Tiwari Applicant
By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Namit Sharma, Advocate
Shri Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Namit Sharma and Mohd. Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(SI. No. 5)

EX- A. No. 179 of 2022 Inre O.A. No. 621 of 2017

Ex JWO Bachcha Jee Pandey

Applicant

By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate
Shri Arvind Kumar Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwami and Shri Arvind Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</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>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(SI. No. 6)

EX- A. No. 180 of 2022 Inre O.A. No. 624 of 2017

Ex JWO Raj Nath Mishra

Applicant

By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Mrs. Amrita Chakraborty, Advocate
Shri Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Mrs. Amrita Chakraborty and Shri Mohd. Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</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>

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Court No. 3(SI. No. 7)

EX- A. No. 181 of 2022 Inre O.A. No. 623 of 2017

Arun Kumar Tiwari S/o Ex Sub Deo Nandan Tiwari Applicant
By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Shailendra Sharma Atal, Advocate
Shri Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Shailendra Sharma Atal, and Shri Mohd. Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</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. 3(SI. No. 8)

EX- A. No. 182 of 2022 Inre O.A. No. 117 of 2018

Smt Sumitra Devi W/o Late Ex WO Shyamala Prasad Singh Applicant
By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Shailendra Sharma Atal, Advocate
Shri Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Shailendra Sharma Atal and Shri Mohd. Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</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. 3(SI. No. 9)

EX- A. No. 183 of 2022 Inre O.A. No. 641 of 2017

Ex WO Mukhtyar Ahmed

Applicant

By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Mrs. Amrita Chakraborty, Advocate
Shri Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Mrs. Amrita Chakraborty and Shri Mohd. Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for respondent No 5 and 6 one week time is granted as last opportunity to file affidavit of compliance.</p> <p>List on 14.03.2023.</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>

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Court No. 3(SI. No. 10)

EX- A. No. 284 of 2022 Inre O.A. No. 98 of 2011

Smt Ram Kumari Pandey W/o Moti Lal Pandey (Deceased) Applicant
By Legal Practitioner for the Applicant: Shri Amit Pandey, Advocate
Shri Shiv Kant Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey Advocate, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, four weeks time is granted to file affidavit of compliance.</p> <p>List on 14.03.2023.</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>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(Sl. No. 11)

O.A. No. 342 of 2020

Dashartha W/o late Sep Prem Chandra Applicant
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Amit Jaiswal and Ms Prayanka Yadav, Advocate holding brief for Shri Rajesh Kumar Awasthi, Ld. Counsel for the respondent No 4 are present.</p> <p>Counter affidavit filed on behalf of respondent No 4 is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed by applicant within two weeks.</p> <p>List on 06.03.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(Sl. No. 12)

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

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>Rejoinder affidavit filed on behalf of the applicant is taken on record.</p> <p>None is present on behalf of the applicant. In the interest of justice, the case is passed over for the day.</p> <p>List on 06.03.2023.</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. 3(Sl. No. 13)

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>30.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit on behalf of the respondents is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed by applicant within two weeks.</p> <p>List on 06.03.2023.</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>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(SI. No. 14)

O.A. No. 201 of 2022

Hony Nb Sub Madan Pal Singh

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Ms. Preeti Mala, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 KK Misra, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit on behalf of the respondents is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed by applicant within two weeks.</p> <p>List on 06.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(SI. No. 16)

O.A. No. 398 of 2022

Ex Sub Ashwani Kumar Mishra 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>30.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents four weeks time is granted to file supplementary affidavit.</p> <p>List on 15.03.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) rathore</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. 3(Sl. No. 17)

O.A. No. 403 of 2022

Ex Sub/ Clk Dipak Kar

Applicant

By Legal Practitioner for the Applicant: Shri K.P. Datta, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri G.S. Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 K.P. Datta, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit filed on behalf of the applicant is taken on record.</p> <p>Learned counsel for the respondents submits that corrigendum PPO in this case has been issued.</p> <p>Let it be brought on record by way of supplementary affidavit.</p> <p>List on 07.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) rathore</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(SI. No. 18)

O.A. No. 695 of 2022

Ex Nk Dalvir Singh Applicant
By Legal Practitioner for the Applicant: Shri Ved Prakash Pandey, Advocate
Shri Rakesh Kumar Singh, 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>30.01.2023</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 Ved Prakash Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit on behalf of the applicant is taken on record.</p> <p>Learned counsel for the applicant submits that he intends to amend prayer clause.</p> <p>There is no objection from the respondents.</p> <p>Prayer is allowed. Let necessary amendment be incorporated within three days.</p> <p>List on 27.03.2023.</p> <p>Let amended copy 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>

Form No. 4
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(SI. No. 19)

O.A. No. 776 of 2022

Poonam Choudhary W/o Late Lt Col Abhinav Choudhary Applicant
By Legal Practitioner for the Applicant: Shri Abhinav Bhattacharya, Advocate
Shri Amber Lal Gupta, Advocate
Ms. Divya Singh, 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>30.01.2023</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 Abhinav Bhattacharya, Shri Amber Lal Gupta and Ms. Divya Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents four weeks further time is allowed as last opportunity to file counter affidavit.</p> <p>List on 27.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) rathore</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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Court No. 3(SI. No. 20)

O.A. No. 798 of 2022

Smt Birbala W/o Late Ex Nk (TS) Sadhu Singh Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, Advocate
Shri Sandeep Tripathi, Advocate
Shri Vishnu Kant Awasthi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri R.C. Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, Shri Sandeep Tripathi and Shri Vishnu Kant Awasthi, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit and rejoinder affidavit filed by learned counsel for the parties are taken on record.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 27.03.2023 for hearing.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) rathore</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

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ORDER SHEET
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Court No. 3(SI. No. 21)

O.A. No. 822 of 2022

Ex Hav (ACP Nb Sub) Shauraj Singh Applicant
By Legal Practitioner for the Applicant: Shri K.P. Datta, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. This O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by which the following reliefs have been claimed:-</p> <ul style="list-style-type: none">(i) To issue/pass an order or direction to the respondents to refix/revise the pay matrix to Rs 46,200/- as per directions issued by Govt of India on 26.02.2019 and in light of order passed in similar cases by the Hon'ble AFT with other consequential benefits.(ii) To issue/pass an order or direction to the respondents to grant him enhance rate of service pension and other retiral dues accrued from date of discharge w.e.f. 30.04.2019.(iii) To issue/pass directions for grant of arrears and interest @ 18% on arrears accrued to the applicant after revision of his pay matrix along with due drawn audit report w.e.f. 30.04.2019.(iv) To issue/pass any other order or direction as may deem just, fit and proper under the circumstances of the case in his favour.(v) To allow this application with cost. <p>2. Counter affidavit filed by the respondents is taken on record.</p> <p>3. In brief, the fact of the case is that the applicant was enrolled in the Army on 28.04.1993 and discharged on 30.04.2019 (A/N) on completion of his terms of engagement under Army Rule 13 (3) III (i) of Army Rules 1954. As per records maintained by Army Medical Corps Records, the applicant was promoted to the rank of Hav on 11.07.2014 and was granted MACP III (Nb Sub Grade) with effect from 28.04.2017. As per IHQ of MoD (Army)/AG/MP-8 (I of R) letter No A/20038/Appx 'J'/MP-8 (I of R) (ADP) (i) dt 08.08.2017, all JCOs/OR who were in service on or after 31.12.2015 and before 03.05.2017 or any other date, if any extension is given by the Govt and have been granted any promotion/increment/MACP during the periods, were required to submit Option in writing regarding fixation of their revised pay as per 7th Pay Commission. The Option Certificate for revision of Basic pay was required to be submitted to Record Office with effect from 01.01.2016 and before</p>

03.05.2017. The applicant was required to exercise the option certificate for fixation of his Pay as per time frame provided but he did not exercise the option in time; hence his pay fixation was done as per the provision of Para 6 (3) of SRO which stipulates that "If the intimation regarding option is not received by the Pay Accounts Office (PAO) within one hundred and eighty days of the date of notification of these rules, the JCOs/OR shall be deemed to have elected to govern by the revised pay structure with effect from 1st day of January, 2016." Aggrieved, the applicant has filed this Original Application.

4. Learned counsel for the applicant submitted that before discharge from service the applicant came to know that his batch mates and juniors are getting salary in the Band Pay of Rs 46,200/- whereas, he is getting salary in the Band Pay of Rs 42,200. Feeling aggrieved, the applicant submitted a complaint through proper channel on prescribed format to Record Office, AMC Centre, Lucknow for redressal of his grievance. In response to that it was informed that he has been granted MACP-III (Nb Sub Grade) w.e.f. 28.04.2017 but the said amount has not been adjusted as yet. However, he was informed verbally that since he had not exercised the option required as per Govt. of India letter dated 08.08.2017, therefore, his pay was not revised earlier. It was further submitted that due to this, the applicant suffered a loss in basic pay of Rs 3900/- per month and accordingly other retiral benefits were also affected. Learned Counsel for the applicant further submitted that several batch mates and persons junior to the applicant were getting salary in the Band Pay of Rs 46,200/-, for example, No 13986096L Hav (ACP Nb Sub) Sushil Kumar enrolled in the Army on 27.04.1993 was getting salary in the Band Pay of Rs 46,200/-.

5. Learned Counsel for the applicant further submitted that the similar controversy has been decided by Armed Forces Tribunal, Regional Bench, Lucknow in O.A. 156 of 2016, **Hav Jog Dhyan Sharma vs UOI & Ors** decided on 04.01.2018.

6. On the other hand Learned Counsel for the respondents submitted that as per IHQ of MoD (Army)/AG/MP-8 (I of R) letter No A/20038/Appx 'J'/MP-8 (I of R) (ADP) (i) dt 08.08.2017, all JCOs/OR who were in service on or after 31.12.2015 and before 03.05.2017 or any other date, if any extension is given by the Govt and have been granted any promotion/increment/MACP during the periods, were required to submit Option in writing regarding fixation of their revised pay as per 7th Pay Commission. The Option Certificate for revision of Basic pay was required to be submitted to Record Office with effect from 01.01.2016 and before 03.05.2017. The applicant was required to exercise the option certificate for fixation of his Basic Pay as per time frame provided but he did not exercise the option in time; hence his pay fixation was done as per the provision of Para 6 (3) of SRO. He submitted that pay of the applicant has

been fixed correctly as per the existing rule. He further submitted that Original Application being devoid of merit and lacking substance is recommended to be dismissed in the interest of justice.

7. Heard Shri KP Datta, learned counsel for the applicant and Shri Ram Saran Awasthi, learned counsel for the respondents and perused the records.

8. Case of the applicant as spelt out in the instant O.A. is, that his pay was required to be fixed in the manner which was more beneficial to him irrespective of giving of Option or otherwise as per ACP Scheme and recommendations of 5th Central Pay Commission which was revised with three financial upgradations i.e. after 8 years, 16 years and 24 years of service and Modified Assured Career Progression (MACP) Scheme which took place with effect from 01.09.2008. The benefits of this Scheme despite having completed 26 years of service was not extended to the applicant because of non exercising of option on time as per Government of India, Ministry of Defence Office Memorandum No 1(20)/2017/D (Pay/Services) dated 26.02.2019 which is reproduced below :-

*“No.1(2)/2017/D/Pay/Services
Ministry of Defence D(Pay/Services)
Sena Bhawan, New Delhi
Dated 26th February, 2019*

OFFICE MEMORANDUM

Subject : Clarification on availability of Option for fixation of pay on promotion from the date of next increment (DNI) in the lower post and method of fixation of pay from DNI, if opted for, in respect of Army Pay Rules 2017, Air Force Pay Rules 2017 and Navy Pay Regulations 2017 in respect officers and JCOs/OR equivalent.

1. *Reference is invited to Ministry of Defence O.M. of even No dated 22.03.2018. In this connection, it is stated that the Option is to be exercised within three months from the date of promotion, to have pay fixed under these provisions from the date of such promotion or to have the pay fixed from the date of actual of next increment in the scale of the pay in lower grade.*

2. *For all personnel who have been promoted in the interim period (from 01 January 2016 until the issuance of this O.M), the Option is to be exercised within six months of issuance of this O.M. Further, Option for pay fixation on promotion, once exercised is final. This issues with the concurrence of Defence (Finance) vide their I.D. No. 1(8)/2017-AG/PA-35 dated 05.02.2019.”*

8. In view of the submissions made by the learned counsel for the parties and above policy letter, it is clear that fact is not in dispute. The only dispute is with regard to the effect of non submission of Option for fixation of pay within the period stipulated in the instructions i.e. from 01.01.2016 and before 03.05.2017. In fact the issue has already been settled by the Principal Bench, AFT, New Delhi vide order dated 10.12.2014 passed in a bunch of cases with O.A. No. 113 of 2014, ***Sub Chittar Singh and Ors vs. UOI and Ors*** wherein benefit has been granted to the applicants who were denied correct fixation of pay due to not exercising of the option on time.

9. In addition to above, we are of the considered opinion that PAO (OR) should have regulated the fixation of pay that will be beneficial (out of the two

Options mentioned in the scheme) to the applicant but they did not do so. Such exercise should have been done before putting the applicant in a particular pay scale. At this juncture, we may recapitulate that the applicant has been put in disadvantageous pay scale because of the reason that allegedly he has not exercised the Option in time and admittedly because of the default he is said to be placed in lower pay scale than the pay scale given to his own colleagues, in the same rank and same service. We have not found a single reason on the basis of which it can be justified that in the same rank and in the same cadre, there can be and there should be two pay scales without their being any reasonable classification. The only ground for denial of the pay scale of the applicant is due to non/late submission of the Option. In such situation the respondents themselves should have taken steps to remove this anomaly when they came to know that the applicant has not submitted his Option due to unawareness of the policy in time and the applicant is going to get less pay than his colleagues in the same rank and service, due to which they will suffer heavy loss.

10. While filing counter affidavit, the respondents have admitted in para 4 that the applicant is entitled basic pay of Rs 46,200/-. Further, during the course of hearing, learned counsel for the respondents submitted that corrigendum PPO to this effect is under issue.

11. Thus in the result, the O.A. succeeds and is **allowed**. The respondents are directed to revise the Pay of the applicant @ Rs 46,200/- per month by granting upgradations as per ACP/MACP Schemes with all retiral benefits from the due date. We direct the respondents to pay the arrears accrued after fixation of pay to Rs 46,200/- per month with interest @ 8% per annum. The respondents are further directed to implement the order within a period of three months from the date of receipt of a certified copy of this order failing which it shall carry interest @ 8% per annum from the due date till the date of actual payment.

12. No order as to costs.

(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. 3(Sl. No. 22)

O.A. No. 842 of 2022

Ex Hav (ACP Nb Sub) Surender Kumar Yadav Applicant
By Legal Practitioner for the Applicant: Shri K.P. Datta, 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>30.01.2023</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 K.P. Datta, Ld. 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 three weeks further time to file counter affidavit.</p> <p>List on 28.03.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) rathore</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. 3(Sl. No. 23)

O.A. No. 860 of 2022 with M.A. No. 1282 of 2022

Chandra Bhan Singh F/o Late Ex Sep Gitam Singh Applicant
By Legal Practitioner for the Applicant: **Shri Veer Raghav Chaubey, Advocate**

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: **Ms. Purna Singh, Advocate**

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Ms. Purna Singh, Ld. Counsel for the respondents are present.</p> <p>Applicant intends to implead applicant No 2 (Master Aman Singh) being son of the deceased soldier to which respondents have no objection.</p> <p>Learned counsel for the applicant shall incorporate the changes within three days.</p> <p>Issue notice to the newly made party returnable within four weeks.</p> <p>Steps within a week.</p> <p>List on 28.03.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) rathore</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. 3(SI. No. 24)

O.A. No. 969 of 2022 with M.A. 1178 of 2022

Smt Omwati Devi M/o Late Sep Bijendra Kumar Applicant
By Legal Practitioner for the Applicant: **Shri Shailendra Kumar Singh, Advocate**

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Rahul Pal, Advocate holding brief for Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Brief holder prays for and is granted two weeks further time to file order of Civil Judge, Muzaffarnagar.</p> <p>List on 28.03.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) rathore</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.3 (Sl. No. 25)

O.A. No. 1049 of 2022

Ex Sgt Ashish Shukla

Applicant

By Legal Practitioner for the Applicant:

Shri Kapil Sharma, Advocate
Shri Raj Kumar Mishra, Advocate
Ms. Upasna Mishra, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Rajeev Narayan Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1 Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents.</p> <p>2. This Original Application has been filed for grant of notional increment.</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 20.06.2001 and retired on 30.06.2021 is entitled for grant of last increment due on 01.07.2021 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>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. 30.06.2021 as</p>

per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2021. Therefore, benefit of the Hon'ble Madras High Court order being *in personal* cannot be extended to the applicant and hence, Original Application is liable to be dismissed.

4. The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No. 22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-

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

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

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

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 30.06.2021, but the increment fell due on the next day of his retirement 01.07.2021, 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 01.07.2020 to 30.06.2021, as he has completed one full year of service, though his increment fell on 01.07.2021, 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.

8. No order as to costs.

(Maj Gen Sanjay Singh)
Member (A)

(Justice Anil Kumar)
Member (J)

rsp

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.3 (Sl. No. 26)

O.A. No. 1053 of 2022

Ex Sgt Ajeet Singh Chauhan 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 Somesh Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Shri VP Pandey, Ld. Counsel for the applicant and Shri Somesh Singh, learned counsel for the respondents.</p> <p>2. This Original Application has been filed for grant of notional increment.</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>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. 30.06.2018 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 personal</i></p>

cannot be extended to the applicant and hence, Original Application is liable to be dismissed.

4. The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No. 22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-

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

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

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

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

19.06.1998, 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.

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 01.07.2017 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

7. Let a copy of this order be provided to the learned Counsel for the parties.

8. No order as to costs.

(Maj Gen Sanjay Singh)
Member (A)

(Justice Anil Kumar)
Member (J)

rsp

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(SI. No. 28)

T.A. No. 52 of 2022

Ex Sep/ASH Ujair Bahadur Thapa Petitioner
By Legal Practitioner for the Petitioner: Shri, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri G.S. Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 G.S. Sikarwar, Ld. Counsel for the respondents is present.</p> <p>Notice is held to be sufficient. None is present on behalf of the petitioner.</p> <p>Let notice be issued to counsel for the petitioner Shri Raj Narain, Advocate returnable within four weeks.</p> <p>Steps within a week.</p> <p>List on 05.04.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) rathore</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. 3(SI. No. 29)

T.A. No. 53 of 2022

Smt Anita, W/o Late Nk Rajesh Petitioner
By Legal Practitioner for the Petitioner: Col H.M Maheshwari (Retd), Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri J.N. Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Shri J.N. Mishra, Ld. Counsel for the respondent No 1 to 3 is present.</p> <p>Neither learned counsel for the petitioner nor learned counsel for respondent No 4 is present.</p> <p>Notice issued to respondent No 4 has returned unserved with remarks 'incomplete address'.</p> <p>Let notice be issued to Shri Rakesh Kumar Pandey, Advocate returnable within four weeks.</p> <p>Steps within a week.</p> <p>List on 05.04.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) rathore</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. 3(Sl. No. 30)

T.A. No. 59 of 2022

Smt Sadhna Devi W/o Late Arbeshanker Ragdhari Yadav **Petitioner**
By Legal Practitioner for the Petitioner: Shri Sudeshwar Maurya, Advocate
 Shri D.P. Singh, Advocate
 Shri Abhishek Yadav, Advocate

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents: Shri Somesh Singh, Advocate
 Shri Sanjay Kumar Singh, Advocate
 Shri Chandra Sewak, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Sudeshwar Maurya, Shri D.P Singh and Shri Abhishek Yadav, Ld. Counsel for the petitioner and Shri Somesh Singh, Shri Sanjay Kumar Singh and Shri Chandra Sewak, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Rejoinder affidavit filed on behalf of applicant Nos 1 to 5 is taken on record.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on <u>05.04.2023</u> for hearing.</p> <p>(Maj Gen Sanjay Singh) (Justice Anil Kumar) Member (A) Member (J)</p> <p>rathore</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(Sl. No. 31)

EX- A. No. 53 of 2019 InreT.A. No. 17 of 2017

Sqn Ldr R.K Kashyap (Retd) Petitioner
By Legal Practitioner for the Petitioner: Shri Yashpal Singh, 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>30.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh and Shri Shiv Kant Pandey, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the petitioner list alongwith T.A. No. 17 of 2017 on 14.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) rathore</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. 3(SI. No. 31)

O.A. No. 167 of 2021

Smt Prem Bati W/o Late Ex Nb Sub Ram Sarup Prasad Applicant
By Legal Practitioner for the Applicant: Shri Shiv Kant Pandey, Advocate
Shri Amit Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Mohd Zafar Khan, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit on behalf of respondent No 1 to 4 has not been filed.</p> <p>Let it be filed within four weeks.</p> <p>List on 06.04.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A) rathore</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. 3(SI. No. 33)

O.A. No. 262 of 2021

Ex Sub Maj Nathu Lal Mishra Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, 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>30.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents one week time and no more is allowed to show Pay Book containing payment made to the applicant.</p> <p>List on 07.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3(SI. No. 34)

O.A. No. 225 of 2022

Ex Hav (Hony Nb Sub) Sandip Kumar Das Applicant
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</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 Raj Kumar Mishra, Advocate holding brief for Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p>As prayed by brief holder, two weeks further time is allowed as last opportunity to file rejoinder affidavit.</p> <p>List on 27.02.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A) rathore</p> <p>(Justice Anil Kumar) Member (J)</p>