Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Suppl. No. 1)
O. A. No. 812 of 2023 with M.A. No. 964 of 2023

Ex Hav (OPR) Suresh Applicant
By Legal Practitioner for the Applicant: Shri Rahul Pal, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. Memo of Appearance filed by Shri JN Mishra, Advocate on behalf of the respondents is taken on record. His name shall be shown as Counsel for the respondents when the case is listed next. **M.A. No. 964 of 2023** 2. This is an application for condonation of delay in filing Original Application. 3. As per office report, there is delay of 02 years, 06 months and 20 days in filing Original Application. 4. Heard Shri Rahul Pal, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents on delay condonation application. 5. 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. 6. 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. 7. 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. 8. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 812 of 2023** 9. Matter needs adjudication. 10. Admit. 11. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks. 12. List on **21.09.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Suppl. No. 2)

O. A. No. 813 of 2023

Sub (Clk SD) Kulbinder Singh 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 Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name shall be shown as Counsel for the respondents when the case is listed next. 2. 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 Amit Jaiswal, Ld. Counsel for the respondents are present. 3. Shri Manoj Kumar Awasthi, Advocate submits that he is also counsel in the instant case but his name has not been printed in the cause list. 4. Registry is directed to show his name also in the cause list when the case is listed next. 5. Matter pertains to fixation of pay which needs adjudication. 6. Admit. 7. Learned counsel for the respondents prays for and is allowed four weeks time to file counter affidavit to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks next. 8. List on **19.09.2023**. **(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. 3 (Sl. No. 1)

EX- A. No. 305 of 2022 Inre O.A. No. 9 of 2017

Smt Radha Devi, W/o Late Sep Gyan Singh Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, 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
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. 2. Learned counsel for the applicant submitted that operation of the order under implementation has been stayed by order of the Hon'ble Apex Court. 3. Learned counsel for the respondents is directed to file copy of order passed by the Hon'ble Supreme Court alongwith affidavit. 4. List on **23.08.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 2)

M.A. No. 380 of 2023, M.A. No. 385 of 2023 and
M.A. No. 2020 of 2018 with M.A. No. 2021 of 2020
Inre: M.A. No. 1524 of 2016 Inre: O.A. No. (Nil) of 2016

Ex Rfn Sunil Dutt Applicant
By Legal Practitioner for the Applicant: Shri SN Singh Gaherwar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** **M.A. No. 2020/2018, M.A. No. 2021/2018, M.A. No. 969/2017, M.A. No. 970/2017 and M.A. No. 380/2023** 1. On the case being taken up for hearing, Shri SN Singh Gaherwar, Ld. Counsel for the applicant is present. Departmental Representative for the respondents is also present. 2. The above mentioned miscellaneous applications have been moved by the applicant for restoring O.A. (Nil) of 2016. 3. Keeping in view that all the above mentioned miscellaneous applications have been moved to restore O.A. (Nil) of 2016, we are of the view to hear and decide all the miscellaneous applications. 4. The above mentioned miscellaneous applications have been moved to condone the delay and restore the O.A. (Nil) of 2016. The O.A. (Nil) of 2016 has been filed for pensionary benefits. 5. Keeping in view of the above and in the interest of justice we are of the view to allow all the above mentioned miscellaneous applications and restore O.A. (Nil) of 2016 so that case may be decided on merit. 6. The above mentioned miscellaneous applications are allowed on payment of cost of Rs 1500/- which shall be deposited by the applicant in the registry within a month. After deposition of cost the case shall be restored to its original number and cost so deposited shall be remitted to Bar Association. 7. After restoration list O.A. (Nil) of 2016 on **31.08.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

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

O.A. No. 1010 of 2022

Ex Hony Nb Sub Prem Sagar Applicant
By Legal Practitioner for the Applicant: Shri Parijaat Belaura, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri Parijaat Belaura, Ld.Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present. 2. Supplementary counter affidavit filed by the respondents is taken on record. 3. Similar matter is pending before the larger bench of AFT, PB, New Delhi. 4. List on **15.09.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

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

O.A. No. 14 of 2023

Smt Kamla Devi W/o Late Ex Nk Shri Krishna Applicant
By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey, 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
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. 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. 2. Learned counsel for the respondents prays for and is allowed four weeks further time to file counter affidavit. 3. List on **25.09.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 5)

O.A. No. 168 of 2023

Ex Nk Ajeet Singh Applicant
By Legal Practitioner for the Applicant: Shri VP Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri VP Pandey, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present. 2. Learned counsel for the respondents prays for and is allowed four weeks further time to file counter affidavit. 3. List on **21.09.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 6)

O.A. No. 222 of 2023

Ex Rfn Pramod Yadav Applicant
By Legal Practitioner for the Applicant: Shri KP Datta, 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
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri KP Datta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. 2. Counter affidavit has not been filed. 3. Learned counsel for the respondents submits that parawise comments have been received. He prays for and is allowed four weeks further time to file counter affidavit. 4. List on **18.09.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 7)

O.A. No. 417 of 2023

Ex ACP Nk Ram Pal Singh 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
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri KP Datta, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present. 2. Counter affidavit has not been filed. 3. Learned counsel for the respondents submits that parawise comments are still awaited. He prays for and is allowed four weeks further time to file counter affidavit. 4. List on **25.09.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 8)

O.A. No. 444 of 2023

Ex HFO (MWO) Yogendra Singh Applicant
By Legal Practitioner for the Applicant: Shri Sandeep Tripathi, Advocate
Shri Vinay Pandey, 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
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. Heard Shri Sandeep Tripathi and Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents. 2. Counter affidavit filed on behalf of the respondents is taken on record. 3. Learned Counsel for the applicant submits that after the Seventh Central Pay Commission, the Central Government fixed 1st Jan, as the date of increment for all Government Employees, thereafter, the applicant being retired on 31.12.2016 is entitled for grant of last increment due on 01.01.2017 as per decision of the Hon'ble Madras High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (W.P. No. 15732 of 2017, decided on 15.09.2017). 4. On the other hand, Ld. Counsel for the respondents contended that the applicant had served for complete one year from the date of his last annual increment, but he had not been granted annual increment as on the date of his discharge i.e. 31.12.2016 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.01.2017. Therefore, benefit of the Hon'ble Madras High Court order being *in personam* cannot be extended to the applicant and hence, Original Application is liable to be dismissed. 5. The law on notional increment has already been settled by the Hon'ble Madra 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."

6. In view of law laid down by the Hon'ble Madras High Court, upheld by the Hon'ble Apex Court, we are of the view that since the applicant had completed one full year service as on 31.12.2016, but the increment fell due on the next day of his retirement 01.01.2017, 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 01.01.2016 to 31.12.2016, as he has completed one full year of service, though his increment fell on 01.01.2017, for the purpose of pensionary benefits and not for any other purpose. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. 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. 3 (Sl. No. 9)

O.A. No. 446 of 2023

Ex Nb Sub Chandra Shekhar Prasad Applicant
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present. 2. Counter affidavit has not been filed. 3. Learned counsel for the respondents submits that parawise comments have been received. He prays for and is allowed two weeks further time to file counter affidavit. 4. List on **23.08.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 10)

O.A. No. 448 of 2023

MWO Rajkumar Mishra (Retd) Applicant
By Legal Practitioner for the Applicant: Shri Keshav Sharma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Ms Prerna Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Ms Prerna Singh, Ld. Counsel for the respondents is present. Learned counsel for the applicant is not present. 2. Counter affidavit has not been filed. 3. Learned counsel for the respondents submits that parawise comments have been received. Shee prays for and is allowed two weeks further time to file counter affidavit. 4. List on **23.08.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

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

O.A. No. 449 of 2023

Smt Pratibha Singh W/o Nk Sandeep Kumar Applicant
By Legal Practitioner for the Applicant: Shri Virat Anand Singh, 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
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. 2. Objection filed by learned counsel for the respondents is taken on record. 3. Learned counsel for the applicant prays for and is granted a week's time to file replication. 4. List on **31.08.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 12)

O.A. No. 450 of 2023

Ex Sgt Brijesh Pratap Singh Applicant
By Legal Practitioner for the Applicant: Shri Keshav Sharma, 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
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present. Learned counsel for the applicant is not present. 2. Counter affidavit has not been filed. 3. Learned counsel for the respondents prays for and is allowed two weeks further time to file counter affidavit. 4. List on **31.08.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 13)

O.A. No. 451 of 2023

Ex Sgt Mohd Altamash Quraishy Applicant
By Legal Practitioner for the Applicant: Shri Keshav Sharma, 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
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. Heard Shri Ram Saran Awasthi, Ld. Counsel for the respondents. 2. Counter affidavit filed on behalf of the respondents is taken on record. 3. Learned Counsel for the applicant submits that after the Sixth Central Pay Commission, the Central Government fixed 1st Jul, as the date of increment for all Government Employees, thereafter, the applicant being retired on 30.06.2022 is entitled for grant of last increment due on 01.07.2022 as per decision of the Hon'ble Madras High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (W.P. No. 15732 of 2017, decided on 15.09.2017). 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. 30.06.2022 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2022. Therefore, benefit of the Hon'ble Madras High Court order being *in personam* cannot be extended to the applicant and hence, Original Application is liable to be dismissed. 5. The law on notional increment has already been settled by the Hon'ble Madra 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."

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

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 01.07.2021 to 30.06.2022, as he has completed one full year of service, though his increment fell on 01.07.2022, for the purpose of pensionary benefits and not for any other purpose. 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. 3 (Sl. No. 14)

O.A. No. 465 of 2023

Ex Nb Sub Rakesh Kumar Applicant
By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Dr. Gyan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri Bhanu Pratap Singh Chauhan, Advocate holding brief for Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. 2. Counter affidavit has not been filed. 3. Learned counsel for the respondents prays for and is allowed two weeks further time to file counter affidavit. 4. List on **24.08.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 15)

O.A. No. 488 of 2023

Ex JWO Anil Kumar Sharma Applicant
By Legal Practitioner for the Applicant: Shri Rama Kant, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri Rama Kant, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. 2. Counter affidavit has not been filed. 3. Learned counsel for the respondents submits that parawise comments have been received and the counter affidavit has been sent for vetting. He prays for and is allowed two weeks and no more further time to file counter affidavit. 4. List on **28.08.2023**. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3 (Sl. No. 16)

O.A. No. 626 of 2020

Hariom Singh, S/o Late Ex Sep Kedar Singh Applicant
By Legal Practitioner for the Applicant: Shri Veer Raghav Chaubey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present. 2. Supplementary affidavit dated 26.09.2022 filed by the applicant alongwith some documents and an application for amendment is placed on record. 3. Documents annexed with supplementary affidavit are not legible and amendment application should be filed separately. This supplementary affidavit is rejected. 4. Learned counsel for the applicant is directed to file fresh supplementary affidavit annexing therewith legible documents. He is also directed to file amendment application separately. 5. Notice was issued for respondent No 5 i.e. Smt Angoori Devi. After lapse of 30 days notice was not returned served/unserved and it deemed to be sufficient. Respondent No 5 is one of the contested party. We are of the view that a fresh notice should be served on her correct address. 6. Applicant will provide correct address of respondent No 5 within a week, however, registry is directed to issue fresh notice to respondent No 5 on her correct address as per exhibit R-10 (Page 56) of counter affidavit returnable within four weeks. Steps within a week. 7. List on **24.08.2023**. **(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. 3 (Sl. No. 17)

O.A. No. 741 of 2022

Smt Noor Sava, Widow Late Ex Nk Syed Moharram Ali Applicant
By Legal Practitioner for the Applicant: Shri R Chandra, Advocate
Shri Bhanu Pratap Singh Chauhan, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	13.07.2023 **Hon'ble Mr. Justice Anil Kumar, Member (J)** **Hon'ble Maj Gen Sanjay Singh, Member (A)** 1. On the case being taken up for hearing, Shri R Chandra and Shri bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Mrs. Amrita Chakraborty, Ld. Counsel for the respondents are present. 2. Learned counsel for the respondents has not filed better affidavit as directed vide order dated 26.04.2023. He is directed to file better affidavit within 3. No one is present on behalf of the Zila Sainik Board to assist the court as directed vide order dated 26.04.2023. AFT Legal Cell shall inform concerned Zila Sainik board for compliance. 4. List on **04.09.2023**. 5. Copy of provided to Legal Cell. **(Maj Gen Sanjay Singh)** **(Justice Anil Kumar)** **Member (A)** **Member (J)** rathore