

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.1)

O.A. No. 43 of 2023 with M.A. No. 34 of 2023

Ex Nk (MACP)Warish Husain

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Shri Arvind Kumar, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. counsel for the applicant and Shri Arvind Kumar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;"><u>M.A. No. 34 of 2023</u></p> <p>Heard Vijay Kumar Pandey, Ld. counsel for the applicant and Shri Arvind Kumar, Ld. Counsel for the respondents on delay condonation application.</p> <p>The Original Application has been filed with delay of 04 months.</p> <p>Ld. counsel for the applicant submits that this is a matter of MACP and delay in filing the original application is not deliberate.</p> <p>Ld. counsel for the respondents has opposed the prayer and submitted that the delay has not been properly explained.</p> <p>Having heard Ld. counsel of the parties, we find that cause shown in delay condonation application being sufficient, delay is condoned.</p> <p>Delay condonation application is allowed.</p> <p style="text-align: center;"><u>O.A. No. 34 of 2023</u></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 22.03.2023.</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>rpm/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No. 3)

O.A. No. 45 of 2023 with M.A. No. 36 of 2023

Ex Nk(MACP) Avinash Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Shri JN Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;"><u>M.A. No. 36 of 2023</u></p> <p>Heard Shri Vinay Pandey, Ld. counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents on delay condonation application.</p> <p>The Original Application has been filed with delay of 04 months.</p> <p>Ld. counsel for the applicant submits that this is a matter of MACP and delay in filing the original application is not deliberate.</p> <p>Ld. counsel for the respondents has opposed the prayer and submitted that the delay has not been properly explained.</p> <p>Having heard Ld. counsel of the parties, we find that cause shown in delay condonation application being sufficient, delay is condoned.</p> <p>Delay condonation application is allowed.</p> <p style="text-align: center;"><u>O.A. No. 45 of 2023</u></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 22.03.2023.</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>rpm/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No. 4)

O.A. No. 50 of 2023 with M.A. No. 43 of 2023

Ex Sgt Ajay Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ram Saran Awasthi, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri VP Pandey, Ld. counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;"><u>M.A. No. 43 of 2023</u></p> <p>Heard VP Pandey, Ld. counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents on delay condonation application.</p> <p>The Original Application has been filed with delay of 04 years and 19 days.</p> <p>Ld. counsel for the applicant submits that this is a matter of Notional Increment to the applicant and delay in filing the original application is not deliberate.</p> <p>Ld. counsel for the respondents has opposed the prayer and submitted that the delay has not been properly explained.</p> <p>Having heard Ld. counsel of the parties, we find that cause shown in delay condonation application being sufficient, delay is condoned.</p> <p>Delay condonation application is allowed.</p> <p style="text-align: center;"><u>O.A. No. 50 of 2023</u></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 22.03.2023.</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>rpm/-</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No. 5)

O.A. No. 52 of 2023

Ex L/Nk Abu Talib Anwar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Gaurav Gupta, Ld. counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents on admission of the original application.</p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 22.03.2023.</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>rpm/-</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No. 6)

O.A. No. 53 of 2023 with M.A. No. 46 of 2023

Sony Kushwaha Widow, Late Ex Nk Nagendra Singh Kushwaha Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Rahul Pal, Ld. counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;"><u>M.A. No. 46 of 2023</u></p> <p>Heard Vijay Kumar Pandey, Ld. counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents on delay condonation application.</p> <p>The Original Application has been filed with delay of 04 months and 04 days.</p> <p>Ld. counsel for the applicant submits that this is a matter of stepping of Basic Pay to the applicant and delay in filing the original application is not deliberate.</p> <p>Ld. counsel for the respondents has opposed the prayer and submitted that the delay has not been properly explained.</p> <p>Having heard Ld. counsel of the parties, we find that cause shown in delay condonation application being sufficient, delay is condoned.</p> <p>Delay condonation application is allowed.</p> <p style="text-align: center;"><u>O.A. No. 53 of 2023</u></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 23.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) (Justice Anil Kumar) Member (A) Member (J)</p> <p>rpm/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.3 (Sl. No. 7)
EX-A No. 7 of 2023 with O.A. No. 405 of 2021

Ex Hav (Hony Nb Sub) Radhey Krishna
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Shri GS Sikarwar, Advocate on behalf of the respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p>This execution application has been filed for implementation order dated 21.01.2022 passed by this Tribunal in O.A. No. 405 of 2021.</p> <p>Ld. counsel for the respondents prays for and is allowed four weeks time to seek instructions and to file compliance report.</p> <p>List on 23.03.2023.</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>rpm/-</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No. 8)

M.A. No. 41 of 2023 with M.A. No. 42 of 2023 Inre O.A. No. 814 of 2021

Union of India & Others

Applicant

By Legal Practitioner for the Applicant

Versus

Ex ACP Nb Sub Mahendra Kumar Singh

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p><u>M.A. No. 41 of 2023</u></p> <p>This is an application for condonation of delay in filing the application for leave to appeal against order dated 25.03.2022 passed in O.A. No. 814 of 2021. The application has been preferred after lapse of statutory period.</p> <p>It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal.</p> <p>In view of above, application for condonation of delay in filing the application for leave to appear is rejected.</p> <p><u>M.A. No. 42 of 2023</u></p> <p>Since application for condonation of delay has been rejected, in consequence thereof, application for leave to appeal is also rejected.</p> <p>(Maj Gen Sanjay Singh) Member (A)</p> <p>(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.9)

Ex. A. No. 246 of 2022 Inre O.A. No. 746 of 2021

Ex. Sub (Hony Capt) Jaipal Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri R C Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Respondents are directed to file compliance report within two weeks. List on 02.02.2023.</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>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.10)

O.A. No. 414 of 2021

Smt. Usha Devi M/o Late AC Satyam Arya
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Manokj Kumar Awasthi, Advocate on behalf of the Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Counsel appeared on behalf of the applicant's counsel prays for and is granted two weeks further time to file rejoinder affidavit.</p> <p style="text-align: center;">List on 02.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.11)

O.A. No. 661 of 2021

Smt Mithlesh Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Sunil Sharma, Shri Vinod Kumar Singh and Shri Ashutosh Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">No one is present on behalf of the applicant. Hence, the case is adjourned.</p> <p style="text-align: center;">List on 02.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

Form No. 4
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.12)

O.A. No. 728 of 2021 with M.A. No. 840 of 2021

Smt. Bittan Devi W/o Late Gnr Rajesh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. counsel for the respondents submits that case pertaining to grant of AGIF is pending before the Ho'ble Appex Court.</p> <p style="text-align: center;">List on 22.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

Form No. 4
{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.14)

O.A. No. 303 of 2022

Smt. Uma, W/o Ex. Nk Hargovind Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 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 style="text-align: center;">Ld. counsel for the respondents prays for and is granted two weeks time to file counter affidavit.</p> <p style="text-align: center;">List on 03.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

Form No. 4
{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.15)

O.A. No. 312 of 2022

Smt. Lal Maya Rana, W/o Late Ex Rfn Durga Bahadur Rana
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Vijay Kumar Pandey and Shri T.K. Shukla, Ld. Counsel for the applicant and Shri Pushendra Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. counsel for the respondents prays for and is granted two weeks time to file supplementary affidavit.</p> <p style="text-align: center;">List on 08.02.2023.</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 (Sl. No.16)

O.A. No. 338 of 2022

Smt. Shiv Kumari Singh W/o Late L/NK Rakesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Mohd. Zafar Khan, Advocate on behalf of the respondent Nos. 5 and 6 is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. counsel for the respondent Nos. 5 and 6 are present.</p> <p>Ld. counsel for the respondents prays for and is granted 4 weeks time to file counter affidavit.</p> <p>List on 23.02.2023.</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 (Sl. No.17)

O.A. No. 395 of 2022

Ex L NK Kulwinder Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Vinay Pandey, Advocate holding brief of Shri Ashok Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Rejoinder affidavit filed on behalf of the applicant is taken on record.</p> <p style="text-align: center;">List on 25.01.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.18)

O.A. No. 451 of 2022

JWO Nitin Tiwari

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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, Ms. Upasna Mishra and Shri Kapil Sharma, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>Similar matter is pending before the larger Bench of AFT, Principal Bench, New Delhi.</p> <p>List on 24.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No.19)

O.A. No. 515 of 2022

Ex WO Rama Kant
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Uma Kant Gupta, Shri Kapil Sharma and Shri Shiv Narain Kaushal, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.</p> <p>2. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1st July, as the date of increment for all Government Employees, therefore, the applicant being 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).</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 personam</i> cannot be extended to the applicant and hence, Original Application is liable to be dismissed.</p>

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 30.06.2018, but the increment fell due on the next day of his retirement 01.07.2018, on which date he was not in service, he has to be treated as having completed one full year of service.

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. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

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

(Maj Gen Sanjay Singh)
Member (A)

rpm/-

(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.20)

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

JWO Jones MJ (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 A K Chaudhary and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Amendment application filed by Ld. counsel for the applicant is taken on record.</p> <p>There is no objection from Ld. counsel for the respondents.</p> <p>On perusal we find that after the amendment nature of the case will not change. Therefore, amendment application is allowed.</p> <p>Ld. counsel for the applicant is directed to incorporate the amendment within a week and provide amended copy of the petition to the Ld. counsel for the respondents within ten days.</p> <p>List on 03.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(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 (Sl. No.22)

O.A. No. 844 of 2022

Ex Sub Santosh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 K P Datta, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. counsel for the respondents prays for and is granted four weeks time to file counter affidavit.</p> <p style="text-align: center;">List on 22.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(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 (Sl. No.23)

O.A. No. 849 of 2022 with M.A. No. 1052 of 2022

Sub M V Karunagaran
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 K K S Bisht, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. counsel for the respondents prays for and is granted four weeks time to file counter affidavit.</p> <p style="text-align: center;">List on 23.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(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 (Sl. No.24)

O.A. No. 1060 of 2022

Ex. Sgt Jiban Bihari Mohanty
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Rakesh Kumar Singh, Ld. Counsel for the respondents.</p> <p>2. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1st July, as the date of increment for all Government Employees, therefore, the applicant being 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).</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 personam</i> cannot be extended to the applicant and hence, Original Application is liable to be dismissed.</p> <p>4. The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of <i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i> (Supra). Against the said</p>

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 30.06.2018, but the increment fell due on the next day of his retirement 01.07.2018, on which date he was not in service, he has to be treated as having completed one full year of service.

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. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

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

(Maj Gen Sanjay Singh)
Member (A)
rpm/-

(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.24)

O.A. No. 1060 of 2022 with M.A. No. 1270 of 2022

Ex Sgt Jiban Bihari Mohanty

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 V P Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri R K S Chauhan, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Judgment.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(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 (Sl. No.25)

O.A. No. 546 of 2018

Lt Col Raja Singh Parihar (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Wg Cdr A K Singh (Retd), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. counsel for the respondents wants to show policy with regard to grant of weightage.</p> <p style="text-align: center;">The respondents may file the aforesaid policy on affidavit within a week. List on 25.01.2023.</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 (Sl. No.26)

O.A. No. 262 of 2021

Ex Sub Maj Nathu Lal Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Yashpal Singh, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. counsel for the respondents prays for and is granted two weeks time to show Pass Book containing payment made to the applicant.</p> <p style="text-align: center;">List on 30.01.2023.</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.27)

T.A. No. 10 of 2022

Smt Rajeshwari Devi, W/o Late Hav Ram Vir Singh Chouhan Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.01.2023</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 Dharam Raj Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. counsel for the respondents prays for and is granted two weeks time to file counter affidavit.</p> <p style="text-align: center;">List on 09.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p>rathore</p>