

FORM NO. 4

**(See Rule 11 (1))
IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH**

ORDER SHEET

10.

O.A. No. 383 of 2011

Ex. Sergeant Naresh Kumar Garg

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

**For petitioner: Mr. S.R. Kalkal, Advocate
For respondents: Ms. Sangeeta Tomar, Advocate**

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S. DHILLON, MEMBER.

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| 11.09.2012 | Order passed vide separate order sheet is placed on record. Petition is allowed with costs. |

**A.K. MATHUR
(Chairperson)**

**S.S. DHILLON
(Member)**

**New Delhi
September 11, 2012**

dn

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

10.

O.A. No. 383 of 2011

Ex. Sergeant Naresh Kumar Garg

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. S.R. Kalkal, Advocate

For respondents: Ms. Sangeeta Tomar, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S. DHILLON, MEMBER.

ORDER

11.09.2012

1. Petitioner by this petition has prayed that the Respondents may be directed to release the service pension and grade pay for the rank of Sergeant @ Rs.2800/- per month with 12% interest thereon. It is further prayed that the Respondents may be directed to remit the amount of Rs.38,421/- which is illegally deducted, with 12% interest thereon.

2. The Respondents have filed a reply and submitted that there was some bonafide mistake which resulted in recovery of Rs.38,421/- but that amount has also been paid back to the Petitioner and his PPO as a Sergeant has been released and, therefore, nothing survives in this petition. Learned counsel for the Petitioner submits that though relief asked by the Petitioner has been given to him but he claims that on Rs.38,421/- which was wrongly deducted and has now been released to the Petitioner, some interest should be given to the Petitioner. He submits that the amount was deducted in May 2009 when the PPO was issued to Petitioner and same has been returned

back to the Petitioner in May 2012. Therefore, Petitioner submits that for this period he is entitled to interest on this amount. The request of learned counsel for the Petitioner is correct and justified. This amount though bonafidely deducted by the Respondents but the Petitioner was deprived to use this amount for his benefit while that amount was due to him. Therefore, the Petitioner will be entitled to interest @ 12% on this amount for the period he was deprived of this amount.

3. Learned counsel for the Petitioner further submits that Petitioner should be given some costs for this litigation. That is right because if this litigation has been ensued, Petitioner would not have this relief therefore, the Petitioner is entitled to some costs for this litigation which is quantified as Rs.5,000/-.

4. The petition is allowed with costs of Rs.5,000/-.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
September 11, 2012
dn