

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

16.

RA 21/2022 IN OA 1035/2019

Lt Col P. K.Kapur (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. S. M. Dalal, Advocate
For Respondents : Mr. Rajesh Kumar Das, Sr. CGSC
Mr S. P. Sehrawat, Advocate for Bank

CORAM

HON'BLE MS. JUSTICE ANJANA MISHRA, MEMBER (J)
HON'BLE LT GEN SHASHANK SHEKHAR MISHRA, MEMBER (A)

ORDER
19.01.2023

RA 21/2022

The present application is for refund of an amount of Rs. 40,424/- as the same had been illegally recovered from the applicant during the pendency of the OA.

2. It is submitted by learned counsel for the applicant that for the said purpose he had filed MA 2652/2019 and the entire amount which had been recovered from the applicant during the pendency of the OA was brought to the notice of this Tribunal. It is further submitted that at para 30 of the order dated 5th April, 2022 passed in OA 1035/2019 along with MA 2652/2019 not only the amount of Rs. 61, 796/-, recovered from the pension of the applicant, was directed to be refunded, it has also been stated '*if any amount has been*

recovered from his pension same be refunded to him within 45 days? We do not find any reasonable justification for withholding the same, especially as the same has been indicated in the order dated 5th April, 2022.

3. Accordingly, we direct that the amount of Rs. 40,424/- (Rupees Forty thousand four hundred twenty four only) recovered during the pendency of the OA and as directed in para 30 of the order, be refunded to the applicant forthwith, preferably within a period of three weeks from today.

4. Put up again on 6th March, 2023.

(ANJANA MISHRA)
MEMBER (J)

(SHASHANK SHEKHAR MISHRA)
MEMBER (A)

Vks/Priya