

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

9.

OA 941/2017

Ex Sub Nitranjan Singh **Applicant**
Versus
UOI & Ors. **Respondents**

For petitioner : Mr. VS Kadian, Advocate
For respondents : Ms. Jyotsana Kaushik, Advocate

CORAM:

HON'BLE MR. JUSTICE B.P. KATAKEY, MEMBER
HON'BLE LT. GEN. SANJIV LANGER, MEMBER

ORDER

31.05.2017

1. Heard Shri VS Kadian, learned counsel for the applicant.
2. Issue notice.
3. Since the respondent Nos. 1 to 4 are represented by Ms. Jyotsana Kaushik, learned counsel appearing for the respondents, no fresh notice need be issued. Respondent No. 5 shall be served with Registered post with AD before the next date fixed. The required steps shall be taken by the applicant during course of the day.
4. The respondents within six weeks from now shall file the counter affidavit.
5. The applicant may file the rejoinder, if any, within two weeks thereafter.
6. Post it for admission and disposal on **01.08.2017**.
7. Heard the learned counsel for the parties on the prayer for interim order.
8. It has been submitted by the learned counsel for the applicant that based on the subsequent decision of the Government of India, though his pension was fixed in the rank of NaibSubedar with effect from 22.08.2012 despite he having not holding the said rank for 10 months, the respondent authorities, in particular, PCDA (P) has directed the bank to recover the same thereby reducing the pension of the applicant payable to him and fixing his pension in the rank of Subedar.

9. Learned counsel further submits that such action on the part of PCDA (P) is contrary to the Government's earlier decision.

10. Learned counsel for the respondents prays for time to obtain necessary instructions on the prayer for interim order. While granting time, we direct the respondents not to make any further recovery from the applicant's pension as indicated in the communication dated 10.03.2017 issued by State Bank of India, CPPC @ Rs. 9000/- per month, till the next date fixed.

11. List on **01.08.2017**.

(B.P.KATAKEY)
MEMBER (J)

(LT GEN SANJIV LANGER)
MEMBER (A)

31.05.2017nsv