

**COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

6.

MA 3530/2023 in OA 266/2020

Hony Lt (JENE) A Sailu (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. K K Tyagi Sr CGSC
Mr. Sham Dev, PCDA (SPARSH), Prayagraj

WITH

7.

MA 5486/2023 in OA 1073/2018

Ex Sgt Sayed Khund Muneer Applicant
In the matter of : Ex JWO Ajay Kumar & Ors.
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : Dr. V.S. Mahndiyar, Advocate
Mr. Sham Dev, PCDA (SPARSH), Prayagraj

WITH

8.

MA 3609/2024 in OA 389/2021

Ex Hav Hoshiar Singh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Mr. Avdhesh Kumar Singh, Advocate
Mr. Sham Dev, PCDA (SPARSH), Prayagraj

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
23.09.2024

MA 3530/2024

In pursuance to order passed on 12th September, 2024

Mr. Sham Dev, PCDA (P), SPARSH, Prayagraj is present. He

has filed an affidavit along with a communication made by his office to the OIC, Legal Cell, AFT, PB, New Delhi and has also produced a tabulated form which indicates that based on the PPO issued by the PCDA (SPARSH) on 20th September, 2022 the amount has been credited to the applicant's account on 29th September, 2022 vide details submitted by the bank concerned.

2. Mr. S. S. Pandey, learned counsel for the applicant fairly admits the aforesaid contention and it is his case that the applicant does not have any grievance with regard to the pension but his grievance is that arrears of service rendered by him in pursuance to the order passed in the OA 266/2020 has not been paid to him by the PAO office of the Signal Records.

3. Mr. K. K. Tyagi, Sr. CGSC and OIC, Legal Cell are directed to take note of the aforesaid and ensure that the amount accruing to the applicant be paid to him within four weeks or else an affidavit be filed to show cause as to why the same cannot be done within four weeks. Learned counsel for the applicant fairly stated that the mistake in the matter of communication in the Court in the matter of payment of arrear is because of the miscommunication by the counsel of

the applicant and the applicant should not be blamed for the same.

MA 5486/2023

4. In pursuance to order passed on 12th September, 2024 Mr. Sham Dev, PCDA (P), SPARSH, Prayagraj is present along with his counsel Dr. V. S. Mahndiyan. He has filed a detailed affidavit and a perusal of the same with regard to implementation of the order passed in OA 1073/2018 indicates that after issuance of the SPARSH PPO as indicated in the affidavit the entire amount was credited and arrears of Rs. 2,67,726/- paid to the applicant on 13th May, 2024 and a detailed payment slip and other documents have been brought along with documents.

5. Taking note of the aforesaid, we direct the applicant to appear personally before this Tribunal and file an affidavit on 14th November, 2024 stating as to whether the amount has been received by him or not and as to why he has made a wrong submission on 2nd September, 2024. The applicant, if found to have made a false statement, will be held liable for having committed an offence of filing a false affidavit under Section 340 of CRPC and accordingly action will be taken against him.

MA 3609/2024

6. In pursuance to order passed on 12th September, 2024 Mr. Sham Dev, PCDA(P), SPARSH, Prayagraj is present today and has filed an affidavit. A perusal of the affidavit filed by the Office of the PCDA, SPARSH indicates that in pursuance to the order passed by this Tribunal, SPARSH PPO has been issued on 11th September, 2024 and payment of arrears of Rs. 45,812/- has been made to the applicant on or around 18th September, 2024. This position is admitted by learned counsel for the applicant. However, he invites our attention to the original PPO issued to the applicant vide No. 174200600604 on 29th March, 2022 and submits that in the said PPO a sum of Rs 1, 19,505/- was to be paid to the applicant but the same has not been paid. That apart a sum of Rs. 23, 273/- as difference of gratuity was also to be paid to the applicant which is also not paid. A copy of this PPO be supplied to the officer who is present on behalf of the PCDA, SPARSH and he is requested to verify the aforesaid facts and ensure that the aforesaid payment is made and a report submitted to this Tribunal.

7. Learned counsel for the applicant is directed to file a copy of applicant's account and the payment received by him in the form of an affidavit within four weeks.

8. As the PCDA (SPARSH) has appeared personally before us today and we have also taken note of the detailed submissions made by his office in the matter of administrative difficulties faced by them, taking into account their difficulties, an administrative order would be passed by the Chairperson in due course of time. In view of the aforesaid, we discharge the PCDA (SPARSH) and adjourn these matters to 11th November, 2024.

9. Let a copy of this order be provided *DASTI* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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MA 3530/2024