

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

8.

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

CORAM

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

O R D E R
22.08.2024

MA 3530/2023

Seeking execution of an order passed by this Tribunal in OA 266/2020 on 26.11.2021 this application has been filed. The execution application was filed on 01.09.2023 and on 13.09.2023 we were informed that Government sanction had been issued and four weeks' time was prayed for grant of the compliance report. Thereafter, from 16.11.2023 onwards to various dates up to 03.05.2024, time was granted to the respondents and the respondents on 02.07.2024 produced a PPO bearing number 205201903530 and indicated that the order has been complied with.

2. Shri S. S. Pandey, learned counsel for the applicant was granted time to seek instructions in the matter and today Shri S. S. Pandey informs that even though the PPO was issued more than

one and a half year back, the amount has not been credited to the applicant's account. The respondents have produced before us the communication dated 04.01.2024 wherein it was indicated that the payment has been made. This document was produced before us on 02.07.2024 also and on instructions Shri Pandey informs us that the pay and allowances of the applicant have been paid but the pension has not been credited to his account.

3. In innumerable number of cases we find that after PPOs are issued and for more than one to two years, the pension amounts are not credited to the applicants' accounts and on notice being issued to the banks, the banks come out with the statement that the pension account of the person concerned have been migrated to the SPARSH system of payment and on account of certain issues in the SPARSH system of payment the pension amount is not being paid. Instances of such non-payment of pensionary payment through SPARSH system of payment are coming to the court every day.

4. Taking note of the aforesaid, we direct for issuance of notice to the PCDA(P) SPARSH Allahabad and direct for his personal appearance before this Tribunal on 12.09.2024.

5. He shall not only appear and indicate the action taken in this case but will also have to make a statement as to why the pension amounts are not being credited to the account of the

individual concerned and if there is any difficult, what action has been taken by the authorities for rectifying the same.

6. We are constrained to pass this order as we find that in more than hundreds of cases the same issue arises off and on every day we are required to deal with the same issue. In case we are not satisfied with the reply given by the authorities of SPARSH we may proceed to take contempt of court action against the officers concerned and punish them in the light of the law laid down by the Full Bench Judgment in the case of *Lt Col Mukul Dev Vs. Shri R. K. Mathur & Ors. (CA 04/2014 IN OA 04/2014) (RB, Kolkata, decided on 31.07.2024.*

7. List on 12.09.2024

8. The Principal Registrar is directed to forward a copy of this order directly to the PCDA(P) SPARSH Allahabad for necessary action.

9. A copy of this order be provided DASTI to learned counsel for both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

/Jyoti/