

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

116.

OA 4382/2024

Maj Gen J K Gera Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Rajiv Manglik, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
25.10.2024

On 15.10.2024, taking note of the fact that the applicant is retiring in the present rank on 31.10.2024 and the result of the SSB held in April, 2024 has not been declassified, we had directed for listing of the matter today to consider the prayer for interim relief made by the applicant with regard to staying his superannuation till decision or declassification of the Selection Board proceedings.

2. We are informed by the learned counsel for the respondents on instructions that the proceedings of the SSB held in April, 2024 has not been declassified for various reasons and the decision from the competent authority with regard to acceptance or otherwise for the recommendations of the SSB is still awaited.

3. Keeping in view the aforesaid, we direct that till declassification of the results of the SSB, the superannuation of the applicant be kept in abeyance. However, after declassification of the SSB results, if it is found that the applicant has not been recommended for the promotion the applicant shall refund all the pay and allowances paid to him from 01.11.2024 till date of his discharge minus the pension to which he would have been legally entitled to on the present post.

4. We are constrained to pass the said order keeping in view the similar interim order already passed by a Coordinate Bench of this Tribunal in OA 996/2020 titled *Brig K.K. Nandwani* Vs. *Union of India and Ors.*

5. List the matter again on 13.12.2024.

6. A copy of this order be provided *'DASTI'* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)