

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

71.

MA 3527/2023 with MA 846/2024 in OA 276/2022

Lt Col Nandita Satpathy Applicant

Versus

Union of India & Ors.

Respondents

For Applicant : Mr. S S Pandey, Advocate

For Respondents : Mr. Satya Ranjan Swain, Advocate

CORAM

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

ORDER
11.11.2024

MA 3527/2023

In pursuance to the directions issued from time to time in this execution application which arise out of implementation of an order passed in OA 276/2022, Sh S.S. Pandey, learned counsel for the applicant today fairly states that infact after various impediments which are available on record, finally the respondents have settled the claim of the applicant. However, even while settling the claim respondents have deducted tax of Rs. 16 lac from the

payment of arrears of salary of Rs. 20 lac which was payable to the applicant. Learned counsel for the applicant submits that the applicant had already paid all tax dues. It may be a case of double taxation and also points out that this is a device invented by the respondents to harass the applicant and to keep his matter pending. We have taken note of the grievance made by the learned counsel and find that even after the SLP filed by the respondents was dismissed by the Hon'ble Supreme Court of India it was only after various coercive action that were undertaken by us that the order have been complied with that also after a period of more than an year of dismissal of the SLP. However, the issue kept before us is with regard to the deduction of tax and its refund, if any, which is beyond our jurisdiction and learned counsel for the applicant is granted liberty to take such remedy available for refund of the tax deducted by the respondents, however, for the purpose the respondents are directed to indicate to the applicant on what basis and on what calculation the tax of Rs. 16 lac have been deducted and credited to the account of the revenue. Statement of tax deduction should be supplied to the applicant within two

weeks from today. With the aforesaid nothing further survives for proceedings in this matter. Accordingly, the MA stands as disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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