

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

4.

OA 1068/2025 with (Mentioning)

Sqn Ldr Jasbir Dalal (Retd) Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Vijayan Singh Kundu, proxy for
Mr. Thakran And Thakaran Law Office,

For Respondents : None
Sgt. Pankaj Sharma, In-charge DAV
Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER

21.04.2025

The applicant vide the present OA makes the following prayers:

(a) Call for the records based on which the Respondents did not grant the applicant terminal gratuity but paid him retirement gratuity at a less rate and thereafter quash such orders;

(b) Direct the Respondents to process the claim for grant of terminal gratuity at a uniform rate of ½ a month's reckonable Emoluments for each of the completed six month period of qualifying service in respect of the applicant and grant it;

(c) Further, direct Respondents to also grant interest @18% pa to be compounded quarterly with exemplary cost from the date of retirement of the applicant till date payment for the illegal actions of the respondents in denying the rightful claim of the applicant;

(d) Direct the respondents to stop the recovery of the gratuity already granted and adjust the same with the arrears of terminal gratuity to be paid to the applicant with interest

(e) Issue such other order/direction as may in facts and circumstances the case.

2. Along with the same is also a prayer seeking grant of interim relief to the effect:-

“Since the illegal recovery of Rs 7,32,312/- on amount of grant of gratuity is continuing on a monthly basis and till date the recovery of Rs 43327/- for four months has already been effected, it is requested that the said recovery be stayed by the 1 Hon'ble Tribunal for the immense pecuniary loss that is being incurred by the Applicant.”

3. Notice thereof is issued to the respondents and accepted on their behalf. As an interim measure till further directions, further recovery of an amount of Rs. 43327 per month from the applicant's pension is directed to be stayed and is stayed accordingly.

4. Counter affidavit of the respondents be filed within a period of three weeks. Rejoinder of the applicant be filed within a period of three weeks and the matter be listed before the Joint Registrar on **28.04.2025** for the same and thereafter before the Bench for hearing on **22.08.2025**.

Copy of this order be given *DASTI* to either side.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(MS. RASIKA CHAUBE)
MEMBER (A)