

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

43.

OA 2754/2023

PO Sandip Koner (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Avdhesh Kumar Singh, Advocate for
R 1-3

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
18.09.2023

The applicant vide the present OA makes the following prayers:-

- A. *Quash and Set aside the recovery by declaring it arbitrary and being contrary to the settled Law in Syed Abdul Qadir (Supra) and State of Punjab vs Rafiq Masih (Supra), relied upon by this Hon'ble AFT in squarely covered Order placed at Annex-A3; and/or*
- B. *Direct the Respondents to credit amounts to the account of the applicant with applicable interest and pay the exemplary costs considering difficulty level of the Applicant was affected due to action of the Respondents by initiating recovery of Pension; and/or*

C. Ad-interim Ex-parte Direction to the Respondent that not to proceed with recovery action till pendency of this OA; and/or Any other further relief as deemed appropriate in the interest of justice.

2. Notice thereof is issued and accepted on behalf of the respondents. The counter affidavit be filed by the respondents within a period of four weeks. Rejoinder, thereto, if any, be filed by the applicant within a period of four weeks thereafter.

3. List the matter before the Principal Registrar on **20.11.2023** for completion of pleadings and before the Bench thereafter. In the meantime till further directions, recovery of any amount from the pension of the applicant is stayed.

4. Notice of the OA be issued to the respondents No. 4 on taking steps by the applicant.

The copy of this order be given **DASTI**, as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

NMK/POOJA