

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

11.

OA 5023/2024 with MA 5214/2024

Col (TS) Kapoor Singh (Retd) & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. R K Tripathi, Advocate
For Respondents : Mr. Prabodh Kumar, Sr CGSC
Maj Satvik Grover, OIC, Legal Cell

CORAM

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

ORDER
03.01.2025

MA 5214/2024

MA 5214/2024 has been filed by the 22 applicants seeking to join together to institute the present OA submitting to the effect that they are all aggrieved by the recovery of the commuted value of pension beyond the period of 11½ years. Counsel present submits that he represents all the 22 applicants. In view thereof, MA 5214/2024 is allowed and the 22 applicants are allowed to join together to institute the present OA. MA 5214/2024 is disposed of accordingly.

OA 5023/2024

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

“(a) Direct the Respondents to stop any further deduction on account of recovery of commuted value of pension from applicants with immediate effect; and

(b) Direct the Respondents to refund the extra instalments recovered from the Applicant wef dates shown against each applicant in ANN-9, ie, after 11

*years and six months of recovery or any other earlier date as decided by the Hon'ble Tribunal; and
(c) Pass any other order/orders as deemed appropriate by this Hon'ble Tribunal in the facts and circumstances of the present case.”*

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

“9. The recovery of commuted value of pension being deducted from each applicant as shown in ANN-9 be stopped immediately.”

3. At this stage, learned counsel for the applicant however seeks to withdraw the present OA seeking liberty to seek redressal as permissible in accordance with law in view of judgment dated 27.11.2024 in CWP 9426/2023 in *Shila Devi & Ors. vs. State of Punjab and others* of the Hon'ble High Court of Punjab & Haryana. In view of the said submissions made on behalf of the applicant, the OA 5023/2024 is dismissed as withdrawn with liberty granted as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)