

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

1.
MA 217/2025 in OA 3724/2024

Union of India and Ors. Applicant
VERSUS
Ex Nb Sub Sunil Kumar KP Respondents

For Applicant : Dr. Vijendra Singh Mahndiyan, Advocate
For Respondents : Mr. Rajesh Nandal, Advocate

CORAM
HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P MOHANTY, MEMBER (A)

ORDER
04.03.2025

On behalf of the respondents it has been submitted that vide Dy no. 1483/2025, the respondents have filed a miscellaneous application under Rule 25 of AFT Rules, 2008 which application is treated to be an application under Rule 25 of the AFT Practice Rules 2009, vide which respondents have submitted Annexure R-1, R-2, R-3. The same were not found to be placed on record and have been requisitioned from the Registry. Counsel for the applicant submits that he has received the copy thereof. As informed by the Tribunal Officer, the same had not been listed for non-service of the said application on the PCDA(Pensions).

2. Counsel present on behalf of the respondents is also representing the PCDA(Pensions).

3. In the circumstances, the application filed by the respondents no. 1-3 vide Dy No. 1483/2025 is taken up for consideration.

4. It has been submitted by this application by the respondents that the restoration of the monthly pension in respect of the applicant vide SPARSH PPO No. 212201902086 has been initiated and that the arrears of withheld pension of the applicant from July 2024 to January 2025 have been paid to the applicant on 11.02.2025 vide UTR No. RBI0432526534400.

5. The said submission made by the respondents is not refuted by the counsel for the applicant who fairly submits that the pension of the applicant has been restored.

6. In the circumstances, the prayer made vide MA 217/2025 by the respondents seeking that the GCM be allowed to continue and the stay imposed by this Tribunal vide order dated 08.10.2024 be vacated is allowed and the GCM proceedings qua the applicant are permitted to continue.

7. The OA with the prayers 8(a) to (e) is to the effect :-

“8(a) To declare the action of the respondents as unjust, arbitrary and illegal and quash and set aside the Impugned order which has been conveyed verbally to the applicant denying restoration of his pension of last 16 months i.e since Feb 2023. ; and

(b) To direct the respondents to postpone the ongoing GCM till the withheld pension is credited in applicants bank and he is able to pay fee to his Defence counsel out of that amount, and

(c) To direct the respondent to process the release of his withheld pension on priority in a specified time frame as till he is sentenced and the findings of GCM are confirmed he is entitled for his regular pension as he is eligible for it as per the policy of respondents in vogue; and

(d) To award costs upon the respondents in the facts and circumstances of the case; and

(e) To pass such further order or orders, direction/ directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.”,

thus calls for no further action and is disposed of.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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

Yogita