

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

13.

OA 3451/2024

Lt Col Sanjay Suri (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. KR Verma, Advocate
For Respondents : Mr. A.K Gautam, Advocate

CORAM

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

ORDER
04.09.2024

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

“(A) Quash and set aside Regulation 163, Pg- 86, CH VI, PRA 2008, Vol-I to the extent that stipulates restoration of commuted portion of pension at 15 yrs from absolute date of commutation.

(B) Direct the Respondents to stop recovery of commuted amount of pension, with immediate effect, as the same had already been recovered for 13 yrs and 08 (eight) mths.

(C) Direct the Respondents to refund the excess amount recovered from pension beyond 11 yrs and 06 mths, ie, Jun 2022 onwards, along with 9% interest.

(D) Pass any other order/direction/relief as deemed fit and proper and necessary to meet the end of justice.”

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

“Direct the Respondent NO. 4 (PCDA(P) to stop further recovery of commuted amount of pension with immediate effect and restore the full pension till final disposal of the original application. The question involved in this case is no longer res integra and same has been settled by the Hon'ble

High Court of Punjab and Haryana, in CWP No. 10149/2024, titled Tejinder Singh Vs. State of Punjab vide order dated 03.05.2024(Annexure-A4)/colly.”

3. The date of premature retirement of the applicant is stated to be 13.07.2010 and reliance is *inter alia* placed on behalf of the applicant on the order dated 09.02.2024 in Civil Writ Petition 2490-2024 of the Hon’ble High Court of Punjab and Haryana, wherein, in similar circumstances the recovery of the further commuted value of pension has been stayed.

4. As an interim measure, till further directions, further recovery of the commuted value of pension from the applicant by the respondents, is stayed. The copy of this order be also served directly on the PCDA (P) for ensuring the compliance of the said directions without default.

5. Notice of the OA is issued and accepted on behalf of the respondents and the pleadings be completed by either side i.e. the filing of the counter affidavit and rejoinder, if any, thereto be filed 15 days prior to the date of final hearing.

6. The matter be re-notified for final hearing on **12.02.2025**

Copy of this order be given *DASTI*, as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)