

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

7.

OA 3349/2024 with MA 3634/2024

Ex hav Rughanath Singh Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Sukhbir Singh, Advocate

For Respondents : Mr. Neeraj, Sr. CGSC

CORAM

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

HON'BLE LT GEN P. M HARIZ, MEMBER (A)

ORDER

03.09.2024

MA 3634/2024

MA 3633/2024 has been filed by the applicant seeking condonation of 781 days delay in institution of the OA, which for reasons mentioned therein and in view of the verdicts of the Hon'ble Apex Court in *UoI & Ors Vs. Tarsem Singh 2009(1)AISLJ 371* is allowed, and the delay condoned.

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

“(a) direct respondents to stop further recovery of commuted value Rs 5379/- (Rupees Five Thousand Three Hundred and Seventy Nine only) from pension with immediate effect. And/or

(b) direct respondents to refund the extra amount recovered from pension after 11 years and 06 months along with interest @ 12% per annum.

(c) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost against the respondents.”

3. Alongwith the same is a prayer seeking grant of interim relief to the effect :-

“That the applicant humbly prays that the recovery of commuted value of pension being deducted every month Rs 5379/- (Rupees Five Thousand Three Hundred and Seventy Nine only) be stopped with immediate effect for the sake of justice.”

4. Notice thereof is issued to the respondents and accepted on their behalf. Pleadings in the matter be completed by either side, i.e the filing of the counter affidavit and rejoinder thereto, if any, without default 15 days by the parties before the date of hearing fixed i.e. **10.02.2025**.

5. It is submitted on behalf of the applicant that the applicant was discharged from service on 31.12.2011 and despite the same the recovery of the commuted value of pension is in process. Reliance is *inter alia* placed on behalf of the applicant on the order dated 09.02.2024 of the Hon’ble High Court of Punjab and Haryana in WP(C) 2490/2024 wherein similar circumstances the further recovery of the commuted value of pension is stayed. As an interim measure till further directions further recovery of the commuted value of pension from the applicant is stayed.

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

7. Copy of the order be sent to the PCDA(P) for compliance.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P. M HARIZ)
MEMBER (A)

