

**COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

35

OA 1870/2020 with MA 1014/2023 , 1103/2023 & 1105/2023

Lt Col Saurabh Dutt Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : In Person

For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

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

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
18.04.2023

It is submitted on behalf of the respondents that the all the Annexures mentioned in the counter affidavit have been filed with an MA. The said MA is not on record. The said Annexures mentioned in the counter affidavit dated 13.02.2023 be placed by the respondents on the record.

MA 1105/2023

The applicant vide this MA seeks amendment in the prayer clause of the OA 1870/2020. The applicant has filed pay slips for the months of December, 2017, Jan 2018 and Feb.2018 wherein the maintenance allowance was deducted from the salary of the applicant which amounts are shown as Rs.26,826/- Rs.57,283/- and Rs.57,283/- respectively which

the applicant has submitted were inadvertently not mentioned ⁱⁿ the OA. Annexure A, in as much as the applicant therein submits that the recovery was only Rs.11,04,276.

On behalf of the respondents, it is submitted that without any prejudice to the rights and contentions to the prayers made in the OA, the same may be allowed.

In as much as the prayer made by the applicant that the amendments sought to be incorporated do not change the substance of the *lis*, the prayer made in the MA No.1105/2023 by the applicant is allowed.

Thus, the prayer made vide OA 20/2019 seeking refund of an amount of Rs. 11,04,276/- with interest @12% p.a. from December, 2018 till the finalization of the case is allowed to be read as Rs.11,70,668/- with interest @12% p.a. from December, 2018 till the finalization of the case. The amendment may be incorporated in the OA by the applicant.

Re-list on 22.05.2023 at the end of the Board.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

CHANANA