

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

83.

OA 1360/2022 WITH MA 1350/2023

Ex Hav Jatin Sharma

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: In Person

For Respondents

: Mr. Rajeev Kumar, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

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

ORDER
17.10.2023

MA 1350/2023

Counter affidavit has been filed. There being some delay in filing the same, this application has been filed seeking condonation of delay. Delay condoned. Counter affidavit is taken on record.

2. The MA stands disposed of.

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3. Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the reliefs claimed in Para 8(a) and 8(b) read as under:

(a) Refund my exempted contribution deducted by PCDA Pensions, Allahabad as soon as possible.

(b) Compensate for the harassment by whoever is responsible for the same as deemed fit by Hon'ble Tribunal.

4. The notice was issued and the respondents have filed the counter affidavit and now it is an admitted position that as far as prayer 8(a) is concerned, the exempted contribution of Rs.30,000/- deducted by the PCDA (P), Allahabad has been refunded to the applicant.

5. The applicant has produced documents before us today as Evidence No.1 and 2 which clearly indicate that the amount has been refunded and credited to his bank account. This deduction pertains to the amount deducted on account of ECHS scheme contribution. The deduction made has been refunded to the applicant on being granted of war injury element. That being so, the relief, as claimed by the applicant vide prayer clause 8(a), has been implemented and amount refunded. Now the only question is with regard to grant of benefit as claimed for vide prayer clause 8(b).

6. In our considered view, having examined the aspects of the matter in these proceedings, we do not see any reason to hold anyone responsible for the harassment, as alleged by the applicant. However, as the amount was deducted and has now been refunded to the applicant, we are now of the considered view that the applicant is entitled to the interest on the amount which was deducted by the respondents.

7. Accordingly, we direct that interest @ 6% per annum on the amount of Rs.30,000/- be paid to the applicant for the period from

the date it was deducted, i.e., 07.03.2022 (PPO issued) to the date of refund. The interest be paid within a period of one month from the date of receipt of a copy of this order.

8. In view of the aforesaid, the OA stands disposed of.

[RAJENDRA MENON]
CHAIRPERSON

[P. M. HARIZ]
MEMBER (A)

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