

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

16.

OA 3995/2024 with MA 4209/2024

Sgt Vikram Singh (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Bipin Bihari, Advocate
For Respondents : Mr. Vishal Meghwal, Advocate
Sgt Pankaj Sharma, DAV

CORAM

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

ORDER
04.10.2024

MA 4209/2024

Along with the OA is MA 4209/2024 filed on behalf of the applicant seeking condonation of 1471 days delay in filing the present OA for reasons mentioned therein. In the interest of justice, in view of the judgments of the Hon'ble Supreme Court in the matter of *UoI & Ors Vs Tarsem Singh* 2009(1) AISLJ 371 and in *Ex Sep Chain Singh Vs Union of India & Ors* (Civil Appeal No. 30073/2017 and the reasons mentioned, the MA 4209/2024 is allowed and the delay of 1471 days in filing the OA is thus condoned. The MA is disposed of accordingly.

OA 3995/2024

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

“(a) To call for the records, policy/order/FRs/Pension/Communication Rules based upon which the respondents not revising the Policy on recovery of commuted value of pension; And/or

(b) To direct the respondents to restore the full pension after of 11 years of recovery of capitalised value of pension; And/or

(c) To direct the respondents pay the arrears of excessive deduction/recovery of commuted value of pension made wef 01.08.2020 till realization with arrear with 12% interest, and/or

(d) To pass any other orders or grant relief, as deemed appropriate in the facts and circumstances of the case on the principle of nature justice.”

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

“ That the respondents are still deducting/recovering of Rs. 3273/- PM against the commuted value of pension from applicant even after completion of Fifteen Years. Therefore, it is most humbly pray to the Hon’ble Tribunal to direct the respondents to stop further deduction/recovery with immediate effect as per the order dated 09/09/2024 in OA No. 3556/2024 of this Hon’ble Tribunal. Copy of order dated 09/09/2024 in OA no. 3556/2024 is annexed as Annexure A9.”

4. Notice thereof is issued to the respondents and accepted on their behalf. The applicant has submitted to the effect that the date of discharge of the applicant is 30.06.2009 and submits that he has thus completed a period of 15 years therefrom. In view thereof in terms of the verdict of the Hon’ble High Court of Delhi in the case of *Forum of Retired IPS Officers (FORIPSO) vs. Union of India and Others* reported in 2019 SCC OnLine Del 6610 as well as the implicit spirit of the order

dated 11.09.2024 of the Hon'ble High Court of Delhi in Writ Petition (C) 12781/2024, further recovery of the commuted value of pension from the applicant by the respondents is stayed.

5. The pleadings in the matter be completed by either side before the next date of hearing and the matter be re-notified with matters relating to the similar issue where a period of 15 years after the retirement has elapsed i.e. on the date 30.10.2024.

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

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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