

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

43.

MA 4471/2024 in OA 3472/2024

Ex LA (AH) Karan Singh Yadav Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Raj Kumar, proxy for
Mr. Devendra Kumar, Advocate
For Respondents : Ms. Nehal Jain, Advocate

CORAM

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

ORDER
16.10.2024

MA 4471/2024 has been filed by the applicant seeking modification of the order dated 04.09.2024 in OA 3472/2024 wherein vide Para 3 thereof it was directed to the effect:-

"3. A further submission has been made on behalf of the applicant that there was no notice issued by the respondents to the applicant before any further recovery was sought to be made from the pension of the applicant. In view thereof while notice is issued of the OA and the prayer for interim relief as sought by the applicant, till further directions, further recovery of the commuted value of pension from the applicant by the respondents, is stayed. 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."

2. It has been submitted by the applicant vide the present application MA 4471/2024 that the prayers made by the applicant vide the OA 3472/2024 were to the effect:-

“(a) direct the respondents to stop recovery of an amount of Rs. 1,22,879/- from pension account of the applicant.

(b) Direct respondents to refund the recovered amount with interest @12% p.a. from the date of recovery.

(c) Direct the respondents to disburse Dearness Relief on Military Pension w.e.f. 01.08.2024 to the applicant.

(d) Any other relief which the Hon’ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the applicant and against the respondents.”

3. A submission is thus made on behalf of the applicant that the prayer made by the applicant sought the stay of the recovery from the pension account of the applicant with immediate effect but in Para 3 of the order dated 04.09.2024, it has been erroneously mentioned that ‘till further directions further recovery of the commuted value of pension by the respondents is stayed’. The said submission is apparently correct and thus the words ‘**Commuted Value**’ in Para 3 of the order dated 04.09.2024 in OA 3472/2024 are ‘deleted’.

4. The matter be re-notified for the date already fixed in the matter.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)