

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

16.

MA 4246/2024 in MA 947/2024 in OA 699/2019

Air Cmde S Bhaskaran Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Y Venugopal, Advocate
For Respondents : Mr. Karan Singh Bhati, Sr CGSC with
Mr. Mayank, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

ORDER
16.12.2025

On behalf of the respondents time is sought to file a response thereto. However, we do not consider it essential in as much as notice was issued vide order dated 30.09.2024.

2. A perusal of the record indicates that OA 699/2019 was disposed of vide order dated 20.04.2023 observing to the effect:-

"Learned counsel for the applicant submits that grievances of the applicant have been satisfied.

2. In view of the above, the OA stands disposed of.

3. If at all any grievance still subsists, the same may be addressed before an appropriate forum in accordance with law."

indicating thus that it had been submitted on behalf of the applicant thereof, who is also the applicant of the present application that grievances of the applicant had been satisfied and the OA was disposed of with it having been observed to the effect that if at all any grievance still subsisted, the same may be addressed before an appropriate forum in accordance with law.

3. Thereafter, the applicant filed MA 947/2024 with a prayer to the effect:-

“(a) Allow the present Misc Application by recalling the order dated 20.04.2023 and revive the Original Application No. 699/2019 back to its original number which was disposed off vide order dated 20.04.2023 with further direction to stay the operation dated 09.02.2024 by directing the Respondents to stay recovery of the pay and pension.

“(b) Issue any other/further direction as this Hon’ble Tribunal may deem fit in the facts and circumstances of the case.”

The grievance of the applicant in the said application was premised on the letter No. AIRHQ/99797/18161/NE/DAV/ PC dated 09.02.2024 placed at page 9 of the MA 947/2024.

4. Without any observations on the maintainability of that application vide order dated 19.03.2024, in the interest of justice and in terms of Rule 25 of the AFT (Procedure) Rules 2008, it had been considered appropriate to issue notice of the said MA 947/2024 to the respondents and the response thereto was directed to be filed within a period of four weeks which response was not filed and in the meantime till further directions recoveries, if any sought to be made by the respondents from the applicant in terms of the impugned communication vide dated 07.02.2024 were stayed vide order dated 19.03.2024 in MA 947/2024.

5. Vide proceedings dated 22.07.2024 in MA 947/2024, however, in view of MA 2245/2024 filed on behalf of the applicant in OA 699/2019, the MA 947/2024 was disposed of with it having been observed that it called for no further action.

6. As has been submitted on behalf of the respondents during the course of the proceedings in MA 2245/2024 that had been filed by the applicant thereof with the prayer:-

“(a) Direct the Respondents to credit the recovered amount of Rs. 36,250/- from the Applicant’s pension for the month of April 2024 forthwith.

(b) Restrain the Respondents from any further recovery from the Applicant's Pension till disposal of the OA No. 699/2019.

(c) Direct the Respondent No.4 to remain present in this Hon'ble Tribunal on the next date of hearing and seek his clarification if he did not credit the amount recovered from the pension of the Applicant for the month of April 2024.

(d) Issue any other/further direction as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.”—

in terms of proceedings dated 01.07.2024 in MA 2245/2024, it was submitted on behalf of the respondents as is now also so submitted that the necessary refund in terms of order dated 19.03.2024 in MA 947/2024 in OA 699/2019 had been made to the applicant on 07.06.2024 and on behalf of the applicant on 22.07.2024 in MA 2245/2024 in OA 699/2019 it was submitted also to the similar effect that the refund in terms of directions dated 19.03.2024 in MA 947/2024 in OA 699/2019 had been received. The respondents also submitted on 22.07.2024 that the refund had been made. Vide order dated 22.07.2024, the MA 2245/2024 also stood disposed of.

7. The present application MA 4246/2024 was filed by the applicant with the following prayers:-

“(a) Restore/revive the MA No. 947/2024.

(b) Allow the MA No. 947/2024 by recalling the order dated 19.03.2024, 16.02.2023 & 20.04.2023 and revive the Original Application No. 699/2019 back to its original number which was disposed off vide order dated 19.03.2024, 16.02.2023 & 20.04.2023.

(c) Issue any other order / further direction as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.”

8. As observed hereinabove, no response thereto has been filed by the respondents. However, in the circumstances of the instant case and the proceedings detailed qua MA 947/2024, MA 2245/2024 and the disposal of OA 699/2019, we do not

consider it appropriate to restore MA 947/2024 nor to recall orders dated 19.03.2024, 16.02.2023 and 20.04.2023, nor to revive the OA 699/2019.

9. It would be open, however, to the applicant to seek such redressal as permissible in accordance with law qua the letter that has been submitted on behalf of the applicant in MA 947/2024, i.e. the letter No. AIRHQ/99797/18161/NE/ DAV/PC dated 09.02.2024.

10. The MA 4246/2024 is thus disposed of accordingly

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C. P. MOHANTY)
MEMBER (A)

AP