

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

**MA 2127/2025 & MA 3619/2025 in OA 5322/2024**

**AVM DK Awasthi (Retd) ..... Applicant**

**VERSUS**

**Union of India and Ors. .... Respondents**

**For Applicant : Mr. Y Venugopal, Advocate  
For Respondents: Mr. Prabodh Kumar, Sr. CGSC**

**CORAM**

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

**ORDER**

The applicant no. 18079 AVM DK Awasthi (Retd) vide the present OA 5322/2024 makes the following prayers:-

***“(a) To quash the impugned letter ref AFCAO/10203/18079/OPS/PRE-NE dated 02.06.2022 (IMPUGNED ORDER) vide which Respondents have recovered Rs. 13,79,081/- from the Applicant's non-effective benefits (Leave Encashment);***

***(b) To direct the Respondents to pay to the Applicant the amount of Rs. 13,79,081/-, which they have illegally***

**recovered from the Applicant's non-effective benefits (Leave Encashment);**

**(c) To direct the Respondents to pay to the Applicant penal interest @ 18% per annum on the aforementioned recovered amount from the date succeeding his date of retirement till its actual payment to the Applicant;**

**(d) To award exemplary costs to the tune of Rs. 2,00,000/- to the Applicant for the harassment and financial distress caused to him and his family members on account of illegal recovery of Rs. 13,79,081/- from his non-effective benefits; and**

**(e) Any other relief which this Hon'ble Tribunal considers fair and proper to grant in the interest of justice."**

2. Notice thereof was issued to the respondents vide order dated 02.01.2025.

3. The respondents vide a short reply dated 28.07.2025 supported with an affidavit of Gp Capt Nikhil Kumar on behalf of the respondents have submitted to the effect:-

*"1. That AVM D K AWASTHI (retd) F (P) was commissioned in IAF on 06 Dec 1985 and retired from IAF on 30 Sep 22. The officer was posted at AFA (Air Force Academy) from 20 Jun to 30 Aug 21, for instructional duties. Accordingly, training allowance was paid to the officer during his tenure at AFA. However at NE state O/o JCDA (AF) has objected Training allowance of Rs. 13,79,081/- being*

*paid to retired officer during his tenure at AFA and asked to provide posting authority, PR of posting and approved PE strength of unit for granting of Training allowance.*

*2. That the amount objected by O/o JCDA (AF) on account of Training Allowance has been withheld from Leave encashment. However, the case is being pursued for early settlement of objection and is under deliberation at Dte of Accounts, Dte of PP and DAV with JCDA (AF)."*

4. MA 3619 of 2025 was filed by the applicant pursuant to the short reply of the respondents seeking interim relief to the effect:-

*"9. **INTERIM ORDER, IF ANY, PRAYED FOR:** The Respondents may please be directed not to effect any recovery from the Rs. 13,79,081/- withheld from his Leave Encashment dues and further that the said amount be refunded to the Applicant pending finalization of this OA."*

5. Apparently, as the amount of Rs 13,79,081/- as per the short reply of the respondents dated 28.07.2025 has not yet been recovered from the applicant but has been withheld from the leave encashment due to the applicant in view of objections raised by the office of the JCDA (AF) on account of withholding of the Training Allowance, whilst we allow the prayer made by the applicant vide MA 3619 of 2025 to seek the interim prayer seeking a restraint of the recovery of the amount to Rs 13,79,081/- withheld from his leave

encashment dues, we also consider it appropriate to take up the OA 5322 of 2024 with all accompanying prayers for adjudication.

6. The applicant was commissioned as per admitted facts germane for disposal of the present *lis* are to the effect that the AVM D K AWASTHI (Retd) F (P) was commissioned in the IAF on 06.12.1985 and retired from the IAF on 30.09.2022.

7. He was admittedly posted at Air Force Academy (AFA) from 20 June 2019 to 30 August 2021 for instructional duties and admittedly Training Allowance of an amount of Rs 13,79,081/- was paid to the applicant during his tenure at the Air Force Academy (AFA).

8. Vide the impugned order no. AFCAO/10203/18079/OPS/PRE-NE dated 02.06.2022, it is stated to the effect:-

*"2. During the NE audit, the O/o Jt CDA(AF) has raised an objection on the under mentioned aspects:-*

*(a) Provide posting authority and POR of the officer in AFA for instructional duties at the time of posting.*

*(b) Provide the PE strength of AFA where the Air Force officer was posted in capacity of*

training faculty and posted strength of AF training faculties in AFA.

3. The Matter was taken up with DPO-1(F) to provide the required information for onwards submission to Jt CDA(AF) for settlement of objection. Reply from Air HQ(VB) was received vide ibid letter dated 09 May 22.

4. Consequently, this office has raised a debit voucher for training allowance amounting of Rs 13,79,081/- and same will be recovered by DAV from your Leave Encashment."

9. The submissions made in the reply affidavit dated 28.07.2025 on behalf of the respondents already adverted to vide paras 1 and 2 reproduced hereinabove in para no 3 are to similar effect.

10. The matter in issue is, however, no more *res integra* in view of the order dated 28.05.2025 of the AFT (Principal Bench) New Delhi in OA 2148 of 2023 with MA 828 of 2025 in **Gp Capt Priya Darshan Tiwari (Retd) vs Union of India and others** which is on facts *pari materia* to the facts of the instant case.

11. As observed hereinabove, admittedly as per the reply affidavit dated 28.07.2025, the applicant was posted for instructional duties at the Air Force Academy (AFA) from

20 June 2019 to 30 August 2021, as it is also indicated vide Annexure A-4 the posting order of the applicant no. 2019/AIRHQ(VB)/PO/ 215 dated 11.06.2019 whereby it is stated as under:-

*"POSTINGS AIR OFFICERS (.) WEF 20 JUN 2019 FOLLOWING POSTINGS ARE AUTHORISED (.)*

*(A) AVM AMAR PRASAD BABU G VM (17714) F(P) POSTED FROM AFA TO ADV HQ EAC TO FILL AVM F(P) (AOC) POST (.) AIR OFFR MAY AVAIL J/TIME AFTER EDP (.)*

*(B) AVM DK AWASTHI VSM (18079) F(P) POSTED FROM ADV HQ EAC TO AFA TO FILL AVM F(P) (DY COMDT) POST (.)//"*

12. Annexure A-10 is the copy of the signal issued by AIR HQ (VB) (DPO-2) bearing no AIR HQ/98944/16/PO-2(A) which reads to the effect:-

*"POSTING AIR OFFICER (.) AVM DK AWASTHI VSM (18079) F(P) CMA AOC CMA ADV HQ WAC (CH) AUTHORISED TO PERFORM INSTRUCTIONAL DUTIES DURING HIS TENURE AT AFA WEF 20 JUN 2019 (.) ORIG PO/215 DTD 11 JUN 2019 MAY BE REFERRED (.) FOR REGULARISATION ONLY (.)//"*

thus making it explicit that the applicant was authorized to perform instructional duties during his tenure at AFA wef 20 June 2019 which instructional duties of the applicant at

the AFA as per the reply affidavit of the respondents dated 28.07.2025 continued till 30.08.2021.

13. Vide order dated 28.05.2025 in OA 2148 of 2023 in **Gp Capt Priya Darshan Tiwari (Retd)** (supra) vide paras 6,7,8,9 and 10 it was observed to the effect:-

*"6. We consider it essential to advert to the contents of Ministry of Defence letter dated 28 November 2019 which is reproduced below:*

**"No PC-1(16/2017/D(Pay/Services)/Pt.II  
Government of India  
Ministry of Defence**

**New Delhi, the 28<sup>th</sup> Nov 2019**

**To**

**The Chief of the Army Chief  
The Chief of the Naval Staff  
The Chief of the Air Staff**

**Subject : Recommendations of the Seventh  
Central Pay Commission-Implementation of  
decision relating to the grant of Training  
Allowance**

.....

**Sir,**

**I am directed to refer to MoD letter No 1(26)/97/VI/D(Pay Services) dated 29.02.2000, Nos 1/54/2008/D(Pay/Services) and 1/55/2008/D (Pay/Services) both dated 04.11.2008 and Department of Personnel and Training OM No 13024/01/2016-Trg, Ref. dated 24.10.2017 and 12.11.2018 and to say that consequent upon the**

7 of 21

**decision taken by the Government on the recommendations of the Seventh Central Pay Commission vide Ministry of Finance Resolution No. 11-1/2016-1C dated 06<sup>th</sup> July 2017, Instructional Allowance has been abolished as a separate allowance w.e.f. 01.07.2017 and Training Allowance shall now be admissible to the eligible personnel, at the following rates:**

<b>In National/Central Training Academics and Institutes for Group 'A' Officers mentioned under Appendix 'A'</b>	<b>24%</b>	<b>of Basic Pay</b>
<b>In other Training Establishments mentioned under Appendix 'B'</b>	<b>12%</b>	<b>of Basic Pay</b>

**2. Admissibility of this allowance will be regulated in the following manner:**

**(i) Training allowance will be admissible only to faculties who join the training academies/institutes/establishments for imparting training for a specified period of time and are then likely to go back.**

**(ii) Training allowance will be admissible to faculty members excluding those not covered by these guidelines as indicated in sub para (v) without any ceiling and will not form part of pay as defined in F.R. 9(21), but will count for purpose of leave salary.**

**(iii) Training allowance will continue to be drawn for the period the trainer is on study or tour related to training activities.**

**(iv) Such training allowance will also be admissible to personnel who goes on deputation as a faculty member to an autonomous training institutions aided by the Central Government which inter-alia trains Group 'A' Government officials.**

(v) Training allowance will not be admissible to those permanent faculties/training academies/ institutes/ establishments who have been recruited directly by the training academies/institutes/establishments for imparting, training.

(vi) Deputation (Duty) Allowance will not be payable during the period in which the trainers are in receipt of Training allowance.

(vii) Standard cooling off period between tenures will apply.

3. The term 'Basic Pay' for the purpose of these orders refers to basic pay as defined in relevant Army/Air Force Pay Rules and Navy Pay Regulations.

4. Institutes either discontinued/ disbanded from the list of training establishments mentioned under MoD letter No. 1(26)/97/VI/D(Pay/Services) dated 29.02.2000 are mentioned under Appendix 'C'.

5. Officers/JCOS/Ors deployed on Administrative /logistic duties in these Training institutes will not be entitled for Training Allowance.

6. These orders shall be effective from 1st July, 2017.

7. This issues with the concurrence of Ministry of Defence (Finance) vide their ID No. 3(8)/2019/AG/PA/212-PA dated 26.11.2019.

Encl. As above

Yours faithfully,

Sd--

(Arun Kumar)

Under Secretary to the Govt. of India

**Copy to: as per standard distribution list."**

7. Further, certain additional letters which are relevant to case under consideration have been placed on record by the applicant through MA No 828/2025 which have been perused. Letter No Air HQ/25792/24/D Accts/P&A dated 17.03.2020 placed at Annexure A-5 is extracted as under :-

**"AFNET 2112 5124**

**Dte of Accounts  
Army HQ (RKP)  
New Delhi-66  
17 Mar 20**

**Air HO 25792 24 D Accts P&A**

**HO WAC IAF  
HO SWAC IAF  
HO EAC IAF  
HO CAC IAF  
HO SAC IAF  
HO MC IAF  
HQ TO IAF** } **-(CPSO/C Accts O)**

**UNITS AUTHORISED FOR TRAINING ALLOWANCE  
UNDER GENERIC HEADINGS**

1. **Please refer :-**

**(a) Air HQ/25792/24/D Accts/P&A date 08 Mar 16**

**(b) Gol, MoD letter No. 1/16/2017 D Pay Services) dated 28 Nov 19 circulated vide DA CL/05/2020**

2 **The list of Training Institutes (TIs) placed at Appx A and B to Gol letter ibid dated 28 Nov 2019 contain certain generic headings. The TIs eligible for Trg Allce under these generic headings are listed below :-**

10 of 21

<b>SI</b>	<b>Generic Heading</b>	<b>SI No on Gol letter dated 28 Nov 19</b>	<b>Units authorised for Trg Allce</b>
<b>(a)</b>	<b>Flying Training Establishments</b>	<b>Appx 'A'/1</b>	<b>(i) Air Force Academy (AFA)- Flying and Ground Faculties. (ii) BFTS (iii) FTW, AFS Hakimpet (iv) HTS, AFS Hakimpet (v) Jaguar Operational Flying Trg Unit, 224 Sqn (vi) OCU-A (vii) OCU-B</b>
<b>(b) to (g)</b>	<b>xxx</b>	<b>xxx</b>	<b>xxx</b>

**2. You are requested to issue necessary directions to units under your AoR to authorise Trg Allce as per the above list only, as far as generic headings in Gol letter dated 28 Nov 2019 are concerned.**

**Sd/-**

**(Jajendra Sinha)  
Gp Capt  
Gp Cast Accts  
(PA&R and Systems)**

**Copy to**

**AA to CAS  
BCO VCAS**

11 of 21

**BCO, DCAS  
BCO DG185  
BCO, AOM  
SCO, AOA  
BCO AOP**

**For information, please**

**AF IND**

**AFSSR**

**AFCAO - Appropriate mechanism may please be instituted to ensure that PORS authorising Trg Allce are accepted at AFCAO only from the TIs authorised for Trg Allce. Any POR received from a unit not listed at Gol letter ibid dated 28 Nov 2019 or at Para 2 above may be rejected**

**Gp Capt Trg (G) - Please refer letter no Air HQ/S  
18950/1/4/Trg dated 02 Mar 20."**

8. Letter of Air HQ, RK Puram, New Delhi dated 05.02.2020 placed at Annexure A-6 which further clarified the context of Air HQ letter dated 28.11.2019 is reproduced as under :

**"DACL/06/2020**

**AF Net: 2112 5128**

**Air HQ/25792/24/D Accts/P&A**

**Air Headquarters  
RK Puram  
New Delhi-110 066  
05 Feb 2020**

**HQ WAC, IAF**

**HQ EAC, IAF  
HQ CAC, IAF  
HQ SWAC, IAF  
HQ SAC, IAF  
HQ TC, IAF  
HQ MC, IAF**

HQ IDS  
HQ ANC  
HQ SFC

**TRAINING ALLOWANCE: IAF PERSONNEL**

1. Govt of India, Ministry of Defence have authorised Training Allowance to Defence personnel vide their letter No. PC-1(16)/2017/D (Pay/Services)/Pt.II dated 28 Nov 2019. A copy is annexed.

2. Rate. Training Allowance will be authorised at following rates:-

(a)	In National/ Central Training Academies and Institutes for Group 'A' Officers mentioned under Appendix 'A' to Gol letter dated 28 Nov 19 placed as Annexure.	24%	of Basic Pay
(b)	In other Training Establishments mentioned under Appendix 'B' to Gol letter dated 28 Nov 19 placed as Annexure.	12%	of Basic Pay

3. Eligibility Conditions. Admissibility of Training Allowance will be regulated in the following manner :

(a) Training Allowance will be admissible only to faculties who join the training academies/ institutes/ establishments for imparting training for a specified period of time and are then likely to go back

(b) Training allowance will be admissible to faculty members excluding those not covered by those guidelines as indicated in sub para (e) without any ceiling and will not form part of pay as defined in F.FL. O(21), but will count for purpose of leave salary.

(c) Training allowance will continue to be drawn for the period the trainer is on study or tour related to training activities,

(d) Training allowance will also be admissible to personnel who goes on deputation as a faculty member to autonomous Training Institutions aided by the Central Government which inter alia trains Group 'A' Government officials.

(e) Training allowance will not be admissible to those permanent faculties of training academics/institutes/ establishments who have been recruited directly by the training academics/institutes/establishments for imparting training.

(f) Deputation (Duty) Allowance will not be payable during the period in which the trainers are in receipt of Training allowance.

(g) Standard cooling off period between tenures will apply.

4. Officers/ Airmen deployed on administrative/logistic duties in these Training Institutes will not be entitled for Training Allowance. The posting orders of relevant personnel Issued by Dte of PO/AFRO will contain a specific notation 'Posted for Instructional duties

5. The authorisation/ cessation of Training Allowance will be promulgated in POR at the rate applicable and forwarded to AFCAO by Training Institutes/ Establishments.

6. AFGAO will authorise/ cease Training Allowance in IRLAs as per occurrence promulgated in POR.

7. This allowance is taxable.

8. The term 'Basic Pay' for the purpose of these orders refers to basic pay as defined in relevant Air Force Pay Rules.

9. These orders shall be effective from 01 July 2017.

10. Provisions for Personnel Already Drawing Instructional Allowance. Instructional Allowance has been abolished by 7th CPC. Authorisation of Training Allowance would also mean implicit cessation of erstwhile Instructional Allowance, wherever already drawn wef 01 Jul 17 or being drawn now. AFCAO is to undertake necessary adjustments while releasing arrears accruing on account of Training Allowance.

Sd/-

(Satyendra K Sinha)  
Gp Capt  
Gp Capt Accts (PA&R and  
Systems)

Annexure: As stated

Copy

Internal

External

AA to CAS  
BCO (VCAS Branch)  
BCO(DCAS Branch)  
BCO(AOP Branch)  
BCO(AOA Branch)  
BCO(AOM Branch)  
BCO(DG(I&S) Branch)  
AFCAO  
AFND  
AFSSR”

PCDA (AF) Dehradun  
CDA(AF) (Misc Sec), RK Puram, New Delhi  
CDA(AF), New Delhi

9. A bare perusal of the posting order of the applicant placed at Annexure A-3 to the OA clearly indicates that it was specified therein that the applicant had been posted to AFA as Directing Staff

(DS) duties, meaning thereby that the he is not debarred from grant of Training Allowance as clarified in letter of Air HQ dated 05.02.2020.

10. We do not find any merit nor justification of the Respondents to relate the payment of Training Allowance to the applicant with that of the sanctioned strength of the training establishment i.e. AFA. Therefore, the Applicant is entitled to payment of training allowance irrespective of the strength of instructors posted to AFA and there is no reason for the Respondents to withhold the amount of Rs. 7,45,843/- which was due to him. In view of the above, we hold that the recovery of Rs. 7,45,843/- is illegal and is unsustainable in law, and accordingly the applicant is entitled to restoration of the said amount with interest."

**14. As per letter no. Air HQ/25792/24/D Accts/P&A dated 17.03.2020 the units authorized for Training Allowance under Generic Headings include the Flying Training Establishments of the Air Force Academy (AFA) - Flying and Ground faculties.**

15. As per letter no Air HQ/25792/24/D Accts/P&A dated 05.02.2020, the eligibility conditions for admissibility of Training Allowance are stated to the effect:-

***"(a) Training Allowance will be admissible only to faculties who join the training academies/ institutes/ establishments for imparting training for a specified period of time and are then likely to go back***

*(b) Training allowance will be admissible to faculty members excluding those not covered by those guidelines as indicated in sub para (e) without any ceiling and will not form part of pay as defined in F.FL. 0(21), but will count for purpose of leave salary.*

*(c) Training allowance will continue to be drawn for the period the trainer is on study or tour related to training activities,*

*(d) Training allowance will also be admissible to personnel who goes on deputation as a faculty member to autonomous Training Institutions aided by the Central Government which inter alia trains Group 'A' Government officials.*

*(e) Training allowance will not be admissible to those permanent faculties of training academics/institutes/ establishments who have been recruited directly by the training academies/institutes/establishments for imparting training.*

*(f) Deputation (Duty) Allowance will not be payable during the period in which the trainers are in receipt of Training allowance.*

*(g) Standard cooling off period between tenures will apply."*

Thus, even if the applicant was posted at the Air Force Academy beyond the sanctioned strengths for imparting for instructional duties, the applicant cannot be debarred from the leave encashment rightfully due to him which in terms of Article 300 A of the Constitution of India is his rightful right, which is a right of property in terms of Article 300 A of the Constitution of India in view of the verdict of the Hon'ble High Court of Delhi in CWP No. 3545 of 2002 titled **LAC R**

**Bhaskaran (676918 L) Eng Fit vs Union of India and others** decided on 11.09.2022 and adhered to by this Tribunal in a catena of cases enlisted as under:-

- in the case of **Ex Maj VS Chauhan vs UOI & Ors** in OA 216/2013 dated 16.01.2014;
- in the case of **Maj Gen A K Lal vs UOI & Ors** in OA 166/2010 dated 12.08.2010;
- in the case of **Ex LAC Jai Narayan vs UOI & Ors** in OA 550/2014 dated 11.10.2018;
- in the case of **Ex Sgt Udhojee vs UOI & Ors** in OA 685/2022 dated 28.07.2022; and
- in the case of **Ex Col Pratap Kumar Mohanty vs Union of India and others** in OA 1597 of 2023 dated 17.04.2025.

16. As laid down by the Hon'ble High Court of Karnataka in **Sri H Channaiah vs The Chief Executive Officer** in Writ Petition No. 5016 of 2014 (S-R) decided on 25<sup>th</sup> April 2024, entitlement to leave encashment is integral to the fundamental rights guaranteed under the Constitution and



that leave encashment is not a discretionary bounty and is rather a legal right enforceable under the Constitution and administrative instructions lacking force of law cannot override the constitutional protection and deprive individuals of their entitlements as mandated vide Article 300 A of the Constitution of India.

17. As has been laid down by the Hon'ble Supreme Court in **State of Punjab and others etc** versus **Rafiq Masih (White Washer) etc** in Civil Appeal 11527/2014 dated 18.12.2014 whereby vide para 12 thereof it has been observed to the effect:-

*"12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:*

*(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C and Group 'D' service).*

*(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

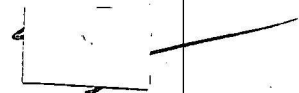
(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

18. Pursuant thereto as laid down by the Hon'ble Supreme Court dated 02.05.2022 in Civil Appeal No. 7115/2010 in **Thomas Daniel vs State of Kerala & Ors** that if there has not been any misrepresentation or fraud by the employee, if any of excess payment to be made, the same cannot be recovered from the employee in the instant case.

19. The respondents are thus directed to release the leave encashment amount of Rs 13,79,081/- due to the applicant which ought to have been paid to him on his superannuation from the Indian Air Force i.e 30-09-2022 in view of the wrongful retention of the said amount of Rs 13,79,081/- to



which the applicant is entitled to for his leave encashment, admittedly. The said amount of Rs 13,79,081/- due to the applicant as his leave encashment be released to the applicant by the respondents within a period of **eight weeks** from today along with interest @ 8% per annum in view of RBI Circular no. DGBA. GAD No. H-6760/45.01.001/2011-12 dated 13.04.2012.

20. Any further delay in the making of the payment would render the respondents liable to pay further interest @ 8% per annum on the unpaid amount. The OA 5322/2024 and the accompanying applications are thus disposed of accordingly.

Pronounced in the Open Court on 4 day of September, 2025.

**[REAR ADMIRAL DHIREN VIG]**  
**MEMBER (A)**

AP

**[JUSTICE ANU MALHOTRA]**  
**MEMBER (J)**

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

20.

RA 32/2025 with MA 4984/2025 in OA 5322/2024

AVM DK Awasthi (Retd) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Y Venugopal, Advocate  
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

CORAM

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

ORDER  
27.10.2025

MA 4984/2025

MA 4984/2025 has been filed by the applicant seeking condonation of four days of delay in filing the review application seeking review of the order dated 04.09.2025 in OA 5322/2024 submitting to the effect that the applicant's counsel was unwell and thus the review application could not be filed within the limitation period of 30 days and the delay of 4 days in filing the same was unintentional. In the interest of justice, we allow the prayer and the delay in filing the review application is condoned. MA 4984/2025 stands disposed of.

RA 32/2025

2. RA 32/2025 had been filed by the applicant arrayed as respondents in OA 5322/2024 with the following prayers:-

*“In view of the aforesaid, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to review its earlier order dated 04.09.2025 and direct the respondents to pay to the applicant interest on the said amount of Rs. 13,79,081/- due to the applicant as his leave encashment @8% per annum with effect from the date of his retirement, that is 30.09.2022.”*

3. Notice thereof is issued to the respondents and accepted on their behalf. Vide order dated 04.09.2025 in OA 5322/2024, RA 32/2025 has been filed by the applicant seeking interest on the amount of Rs. 13,79,081/- due to the applicant as his leave encashment at the rate of 8% per annum w.e.f. the date of his retirement i.e. 30.09.2022. The applicant has thus sought the review of the order dated 04.09.2025 in OA 5322/2024. Vide Paras 19 and 20 of the said order it was directed to the effect:-

*“19. The respondents are thus directed to release the leave encashment amount of Rs 13,79,081/- due to the applicant which ought to have been paid to him on his superannuation from the Indian Air Force i.e 30-09-2022 in view of the wrongful retention of the said amount of Rs 13,79,081/- to which the applicant is entitled to for his leave encashment, admittedly. The said amount of Rs 13,79,081/- due to the applicant as his leave encashment be released to the applicant by the respondents within a period of eight weeks from today along with interest @ 8% per annum in view of RBI Circular no. DGBA. GAD No. H-6760/45.01.001/2011-12 dated 13.04.2012.*

*20. Any further delay in the making of the payment would render the respondents liable to pay further interest @ 8% per annum on the unpaid amount. The OA 5322/2024 and the accompanying applications are thus disposed of accordingly."*

4. Thus, the respondents were directed to release leave encashment amount of Rs. 13,79,081/- due to the applicant which ought to have been paid on his superannuation from the Indian Air Force i.e. from 30.09.2022 in view of the wrongful retention of the said amount which amount was directed to be released to the applicant by the respondents within a period of 8 weeks from the date of the order dated 04.09.2025 along with interest at the rate of 8% per annum in view of the RBI Circular No. DGBA. GAD No. H-6760/45.01.001/2011-12 dated 13.04.2012. It was further directed vide Para 20 of the said order that in the event of there being further delay in making of the payment of the said amount, further interest at the rate of 8% on the unpaid amount will accrue.

5. The applicant now submits vide the present application whilst placing reliance on the order of this Tribunal in OA 2148/2023 titled *Gp Capt Priyadarshan Tiwari (Retd.) vs. UOI and Ors.* dated 28.05.2025 and the order of this Tribunal in *Gp Capt DS Deshpande (Retd) v/s UOI & Ors.* in OA 84/2025 disposed of vide order dated 26.08.2025 whereby in both the cases in relation to the withheld amount qua leave encashment interest at the rate of 8% per annum from the date of deduction

till the date of actual payment has been granted. In as much as the grant of leave encashment dues is a right of the applicant in terms of the Article 300A of the Constitution of India, the applicant thus now seeks that interest at the rate of 8% per annum on the unpaid leave encashment from the date 30.09.2022 i.e. the date of his discharge be paid to him.

6. Apparently, in view of the our order in OA 2148/2023 dated 28.05.2025 and order dated 26.08.2025 in OA 84/2025 from which we find no reason to differ, it is apparent that the prayer made by the applicant has to be allowed.

7. In view thereof RA 32/2025 is disposed of with directions to the effect that Paras 19 and 20 of the order dated 04.09.2025 in OA 4322/2024 shall read to the effect:-

*“19. The respondents are thus directed to release the leave encashment amount of Rs. 13,79,081/- due to the applicant which ought to have been paid to him on his superannuation from the Indian Air Force i.e. 30-09-2022 in view of the wrongful retention of the said amount of Rs. 13,79,081/- to which the applicant is entitled to for his leave encashment, admittedly. The said amount of Rs. 13,79,081/- due to the applicant as his leave encashment be released to the applicant by the respondents within a period of eight weeks from today i.e. 27.10.2025 along with simple interest @ 8% per annum on the said amount Rs. 13,79,081/- from the date of discharge of the applicant i.e. 30.09.2022 in view of RBI Circular no. DGBA. GAD No. H-6760/45.01.001/2011-12 dated 13.04.2012.*

56  
Shy  
T

5  
D

20. *Any further delay in the making of the payment would render the respondents liable to pay further interest @ 8% per annum on the unpaid amount. The OA 5322/2024 and the accompanying applications are thus disposed of accordingly."*

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)

/nmk

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

29.

RA 42/2025 in OA 5322/2024 in RA 32/2025

AVM DK Awasthi (Retd) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Y Venugopal, Advocate  
For Respondents : Mr. Prabodh Kumar, Advocate  
Sgt Pankaj Kumar Yadav, OIC, Legal Cell

CORAM

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

ORDER  
05.02.2026

RA 42/2025 has been filed by the applicant of OA 5322/2024 seeking review of the order dated 27.10.2025 seeking a substitution of the retirement date 30.09.2022 mentioned therein with the correct date 30.06.2022 seeking also directions for payment of interest @8% p.a. on Rs. 13,79,081/- to be paid from 30.06.2022. It has been submitted through the said application vide Para-4 that the date of retirement/discharge was erroneously mentioned in the application filed by the applicant in RA 32/2025. Notice of the application is issued to the respondents.

2. It is essential to observe that in OA 5322/2025 disposed of vide order dated 04.09.2025, though the applicant in the List of Dates & Events has given the date 30.06.2022 as being date of his superannuation from service, the counter affidavit filed by the

respondents filed on 28.07.2025 in Para-1 has given the date of retirement of the applicant as being "30.09.2022". Consequentially, vide the order dated 04.09.2025 vide Paras-19 and 20 thereof, it was directed to the effect:-

*"19. The respondents are thus directed to release the leave encashment amount of Rs. 13,79,081/- due to the applicant which ought to have been paid to him on his superannuation from the Indian Air Force i.e. 30.09.2022 in view of the wrongful retention of the said amount of Rs. 13,79,081/- to which the applicant is entitled to for his leave encashment, admittedly. The said amount of Rs. 13,79,081/- due to the applicant as his leave encashment be released to the applicant by the respondents within a period of eight weeks from today along with interest @8% per annum in view of RBI Circular no. DGBA. GAD No.H-6760/45.01.001/2011-12 dated 13.04.2012. 20.Any further delay in the making of the payment would render the respondents liable to pay further interest @8% per annum on the unpaid amount. The OA 5322/2024 and the accompanying applications are thus disposed of accordingly."*

3. It is submitted by the applicant however that as per the PPO no. 501202200131 dated 24.05.2022 also the date of retirement of the applicant is 30.06.2022. Copy of the said PPO has been supplied to the learned counsel for the respondents who does not refute the correctness of the PPO. In view thereof, the date of the retirement of the applicant being admittedly 30.06.2022, the proceedings of the 04.09.2025 mentioning the date 30.09.2022 in the said order in OA 5322/2024 are rectified and the date 30.09.2022 therein shall to read as "30.06.2022" on the original order under signatures of both Members of the Bench as of date. Furthermore, the rectification

of the said date from 30.09.2022 to 30.06.2022 is also made in the contents of Para-7 of the RA 32/2025 disposed of vide order dated 27.10.2025 under signatures of both Members of the Bench, as of date

4. RA 42/2025 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

  
(REAR ADMIRAL DHIREN VIGNANI)  
MEMBER (A)

TS