

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

32.

OA 2409/2025 with MA 797/2026

Ex PO Pawan Kumar Kaushik Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Devendra Kumar, Advocate
For Respondents : Mr. Sudhir Kumar, Advocate
AJA Lakshya Godara, DPA, Legal Cell

CORAM

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

ORDER
12.03.2026

MA 797/2026

This is an application filed on behalf of the respondents for condonation of delay of 03 days in filing the counter affidavit. In view of the reasons explained in MA and in the interest of justice, the MA 797/2026 is allowed and the delay in filing the counter affidavit is condoned.

OA 2409/2025

The applicant vide the present OA has made the following prayers:-

“(a) Direct the Respondents to stop the recovery of an amount Rs.1,66,604/- from pension account of the applicant.

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

(c) 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.”

2. There was further prayer for the interim relief to the effect:-

“Direct the Respondents to stop the recovery from the pension account of the applicant with immediated effect.”

3. The counter affidavit filed by the respondents on 16.02.2026 is taken on record.

4. Vide order dated 07.08.2025, as an interim measure till further directions further recovery by the respondents from the applicant's pension had been stayed.

5. It has been submitted by the applicant vide the OA that recovery was initiated in the month of June, 2025 and an amount of Rs. 9,947/- was being recovered from his pension as per the pension slip of July, 2025 without any prior notice to him with it having submitted by the applicant that the said recovery being made after a lapse of 09 years after his discharge from service on 31.08.2016 was wholly unwarranted, arbitrary and illegal.

6. Vide the counter affidavit that the respondents have submitted dated 05.02.2026, it has been submitted to the effect vide para-3 that the applicant have migrated to SPARSH on 02.11.2023 and provisionally it is a case of data discrepant and during conversion of pension from Data from AS-IS to normal by PCDA (Navy) Mumbai, disability details were not registered in the pension data and consequently a Corrigendum PPO-02 dated 31.05.2025 was notified whereby the disability element of disability pension was removed and recovery from pension was intimated on 1/3rd basis of monthly pension.

6. It has further been submitted by the respondents vide Para 5 of the counter affidavit that the disability details have now been added in SPARSH and corrigendum PPO-03 dated 04.09.2025 has been notified whereby disability element @ Rs. 6,540/-w.e.f. 01.09.2016 to 30.06.2024 and Rs. 6,597/-w.e.f. 01.06.2024 for life has been sanctioned and the copy of the said PPO have been placed on record as annexure R-1. Apparently to similar effect is the submission made in reply to Para 4.3 and 4.4 of the OA vide the counter affidavit as directed

vide the order dated 07.08.2025, on behalf of the respondents, it is also submitted that the recovery of the monthly pension has stopped w.e.f. August, 2025.

7. In the circumstances, the recovery which has been erroneously apparently effected by the respondents for the month of July, 2025, the amount of recovery effected as per the pension slip for July, 2025 placed at page 15 at Annexure A-1 of the record of the sum of Rs. 9,947/- be refunded to the applicant within a period of 30 days from today, failing which, the respondents would be entitled to interest @ 8% p.a. till the date of payment.

8. The OA 2409/2025 is disposed of accordingly.

Copy of this order be given *DASTI*

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

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

TS/AS