

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

14.

OA 4172/2024 with MA 17/2025 & 5528/2025

Ex Nk Ramphal Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Sukhbir Singh, Advocate for
Mr. Devendra Kumar, Advocate
For Respondents : Mr. Nehal Jain, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
20.03.2026

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

*“(a) Direct the respondents to stop any further deduction on account of recovery of commuted value of pension with immediate effect; and/or
(b) Direct respondents to refund the extra instalment recovered from the applicant w.ef. 31 Aug 2022 after 15 years of recovery or any other earlier date as decided by the Hon’ble Tribunal; and
(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. Along with the same was a prayer seeking interim relief to the effect:-

“It is prayed that the recovery of commuted value of pension being deducted at the rate of Rs. 2,082/- per month (Rs. Two thousand and Eighty Two only) from

the monthly pension of the applicant be stopped immediately.”

3. Vide order dated 14.10.2024 vide para-3 thereof, it was observed to the effect:-

“3. The averments made by the applicant inter alia are to the effect that he was discharged from service on 31.07.2007 and the applicant has thus completed a period of more than 15 years post retirement. Annexure A-1 that has been placed on behalf of the applicant as the pension slip for March 2024, gives a date of restoration for service as the date of commutation of pension being 02.03.2025 which apparently appears to be wholly incorrect. In view of the verdict of the Hon’ble High Court of Delhi in Forum of Retired IPS Officers (FORIPSO) vs. Union of India and Others reported in 2019 SCC Online Delhi 6610, and the implicit spirit of the order of the Hon’ble High Court of Delhi dated 11.09.2024 in WP (C) 12781/2024, further recovery of commuted value of pension from the applicant by the respondents, is stayed.”

4. Vide directions dated 08.08.2025, the respondents were directed to file the additional counter affidavit in view of averments made in para 6.7 which were to the effect that the contents of para 8 pertain to the relief sought by the applicant which fall under the jurisdiction of PCDA(P), Prayagraj and the counter affidavit being incomplete, which additional affidavit has been filed by the respondents on 19.11.2025.

5. A submission is made on behalf of the applicant by the learned counsel present submitting that the arguing counsel is out of Delhi. The attention of the parties is drawn to the Office Circular no. F.No.

22(2)/2022/AFT/PB/Judl. dated 13.03.2026 which reads to the effect:-

“

OFFICE CIRCULAR

In supersession of all earlier circulars/ instructions issued on the subject of adjournment requests, the following procedure shall be followed with immediate effect:

1. Any request for adjournment shall be made by submitting an adjournment slip at least two (2) days in advance of the scheduled date of listing of the case.

2. In case of emergency, where advance submission is not possible, the concerned counsel/party shall, at the earliest and inform in any event one day prior to the date of hearing, inform the Principal Registrar as well as the counsel appearing on the opposite side, in-person or through e-mail/ whatsapp, clearly stating the reasons for seeking adjournment.

3. Failure to adhere to the above procedure may result in the adjournment request not being entertained. instructions.

All concerned are directed to strictly comply with these instructions.

This issues with the approval of the Competent Authority.”

In as much as there has been no adherence to the procedure in the said Office Circular, the prayer made for adjournment on behalf of the applicant is declined.

6. In view of the observations vide dated 14.10.2024 herein, the verdict of the Hon’ble Supreme Court in *Common Cause a registered society v. Union of India*(1987) 1 SCC 142 and the verdict of the Hon’ble High Court of Delhi in *Forum of Retired IPS Officers (FORIPSO) v. Union of India and Others* reported in 2019 SCC Online Delhi 6610 and the implicit spirit of the order dated 11.09.2024 in WP(C) 12781/2024 in *UOI & Ors. vs. Sub Trilok*

Chand(Retd), the recovery of the commuted value of pension beyond a period of 15 years post retirement cannot be effected. Thus, in view of the additional affidavit that the respondents have filed on 19.11.2025 stating vide para-E, the details of the monthly deducted amount towards commutation recovery, the recovery of deduction commencement date and the date of stoppage of recovery reflected therein, which reads to the effect:-

“E. That the details of each commutation amount, deduction, commencement date, and the date of stoppage are tabulated hereinbelow:-

Monthly Deducted Amount	Recovery Commencement Date	Recovery Stoppage date
Rs. 1,869/-	01.03.2010	01.03.2025
Rs. 25/-	01.07.2011	01.03.2026
Rs. 188/-	29.09.2022	29.09.2037
Total- Rs. 2,082/-		

A copy of commutation details qua the Applicant as available on SPARSH portal is attached herewith and marked as ANNEXURE R/2.”

it is indicated that a sum of Rs. 1,869/- p.m. was to be commenced to be recovered w.e.f. 01.03.2010 with the stoppage of the recovery for the same w.e.f 01.03.2025. Vide proceedings dated 14.10.2024 as observed hereinabove vide para-3 thereof, any further recovery of the commuted value of pension from the applicant by the respondents is stayed. In view thereof, any recovery made by the respondents qua the amount of Rs. 1,869/- per month in relation to which the commencement date of the commutation amount was 01.03.2010, as per para-(E) as per the additional affidavit filed on

behalf of the respondents as per page 44 of the record had to stop on the date 01.03.2025 and any recovery effected thereafter of the said amount of Rs. 1,869/- per month after 01.03.2025 is directed to be refunded back to the applicant within a period of two months, failing which interest @8% p.a. till payment shall accrue.

7. As regards the commutation amount of Rs. 25/- which was to commence to be recovered from 01.07.2011, the date of stoppage of the said recovery is 01.03.2026 and any recovery effected thereafter of this amount of Rs. 25/- from the applicant's pension be also refunded likewise to the applicant within a period of two months, failing which interest at the rate @8% p.a. till the date of payment shall accrue.

8. As regards, the recovery of an amount of Rs. 188/- per month of which the recovery commencement date is 29.09.2022, the said recovery is to continue till 29.09.2037 and thus there are no orders warranted in relation thereto, in as much as the said recovery is undoubtedly to continue.

9. The OA 4172/2024 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

TS/AS

