

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

86.

OA 3995/2024 with MA 2154/2025

Sgt Vikram Singh (Retd) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Bipin Bihari, Advocate  
For Respondents : Mr. Vishal Meghwal, Advocate  
Sgt Pankaj Kumar Yadav, DAV, Incharge,  
Legal Cell

CORAM

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

ORDER  
09.03.2026

MA 2154/2025

This is an application filed on behalf of the respondents for condonation of delay of 121 days in filing the counter affidavit. In view of the reasons explained in MA and in the interest of justice, the MA 2154/2025 is allowed and the delay in filing the counter affidavit is condoned.

OA 3995/2024

The applicant vide the present OA makes the following prayers:-

*“(a) To call for the records, policy/order/FRs/Pension/Commutation Rules based upon which the respondents not revising the Policy on recovery of commuted value of pension; And/or*

*(b) To direct the respondents to restore the full pension after of 11 Years of recovery of capitalised value of Pension; And/or*

*(c) To direct the Respondent pay the arrear of excessive deduction/recovery of commuted value of pension made wef 01.08.2020 till realization with the arrear with 12% interest, and/or*

*(d) to pass any other orders or grant relief, as deemed appropriate in the facts and circumstances of the case on the principle of natural justice.”*

2. Along with the same is a prayer seeking interim relief to the effect:-

*“That the respondents are still deducting/recovering of Rs. 3273/-PM against the commuted value of pension from applicant even after completion of fifteen years. Therefore, it is most humbly pray to the Hon’ble Tribunal to direct the respondents to stop further deduction/recovery with immediate effect as per the order dated 09.09.2024 in OA No. 3556/2024 of this Hon’ble Tribunal. Copy of order dated 09.09.2024 in OA No. 3556/2024 is annexed as Annexure A9.”*

3. A perusal of the record indicates that as per the PPO placed as Annexure A-1 at page-16, the date of commencement of pension of the applicant is 01.07.2009. The pension slip for August, 2024 placed on the record at Page-17 indicates that the date of retirement of the applicant is 30.06.2009, the same is also averred in the List of Dates of Events filed by the applicant.

4. The counter affidavit filed by the respondents dated 16.04.2025 does not refute the date of retirement of the applicant at all. All that the respondents seek to aver vide Para-7 of their counter affidavit is to the effect that the applicant has not completed the

statutory period of 15 years for stoppage of the recovery of commuted pension. The averments in para-7 of the said counter affidavit read to the effect:-

*“7. It is respectfully submitted that in the present OA, the Pension Disbursing Authority, i.e. PCDA(P) (Respondent No. 3 herein), is responsible for stopping the recovery of the commuted pension after 15 years from the date of the last commutation payment. Hence, Respondent no. 3, being the competent authority in terms of Para 33.1 to stop the recovery of commuted pension after 15 years from the date of last payment of commutation. But at the cost of the repetition, it is humbly submitted that the statutory period of 15 years is not over yet.”*

5. However, the records are blatantly clear to the effect that the date of retirement of the applicant being 30.06.2009, a period of 15 years therefrom has already elapsed.

6. As regards, the prayer made by the applicant seeking restoration of the full pension after 11 years of the recovery of capitalized value of pension and the payment of the arrears of excessive deduction/recovery of commuted value of pension made w.e.f 01.08.2020 till realization in view of the dismissal of CWP 9426/2023(O&M) *Shila Devi & Ors. vs. State of Punjab and others* and 807 other writ petitions vide judgment dated 27.11.2024 by the Hon’ble High Court of Punjab & Haryana as well as the dismissal of the Special Leave petition(Civil) Diary no(s). 18502/2025 vide

order dated 05.05.2025 in *Yashpal Sharma & Ors. vs. State of Punjab & Ors.* by the Hon'ble Supreme Court which petitions were filed to challenge the judgment dated 27.11.2024 in CWP 9426/2023(O&M) in *Shila Devi & Ors. vs. State of Punjab and others* and 807 other writ petitions, it is held that there can be no restoration of full pension after 11 years of recovery of capitalized value of pension.

7. However in view of the orders 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 as well as the implicit spirit of the order dated 11.09.2024 in WP(C) 12781/2024 in *UOI & Ors. vs. Sub Trilok Chand(Retd)* with observations in Para-8 thereof which read to the effect:-

*“8. We also find that the impugned order does not even refer to the decision of this Court in Forum of Retired IPS Officers (FORIPSO) vs Union of India 2019 SCC OnLine Del 6610, wherein a similar claim for restoration of the commuted portion of pension after 12 years as against the agreed term of 15 years, was rejected.”*

the applicant is held entitled to the refund of all the amount recovered by the respondents towards the commuted value of

pension w.e.f. 01.07.2024. The said refund of the amount of commuted value of pension recovered by the respondents w.e.f. 01.07.2024 be made to the applicant within a period of 45 days from today, failing which, the applicant would be entitled to interest @8% p.a. till the entire refund is made.

8. The OA 3995/2024 is disposed of accordingly.

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

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

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