

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

24.

OA 3214/2025

Praveen Kumar PAO(AH) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar Teotia &
Mr.Amit Kumar, Advocates
For Respondents : Mr. Satya Ranjan Swain, Advocate wit
Mr. Ankush Kapoor, Advocate
Cdr Shantanu Kumar Srivastava, Dy
Judge Advocate, DNL, Indian Navy

CORAM

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

ORDER
09.10.2025

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

“a) Call for records based on which the Respondents have issued the orders including the order dated 12.09.2025, 31.01.2025. 22.08.2025 and 17.09.2025 pursuant to which they have directed to recover the sum of Rs.7,80,775/- (Rupees Seven Lakh Eighty Thousand Seven Hundred Seventy-Five only) comprising of Rs. 6,14,346/- (Rupees Six Lakh Fourteen Thousand Three Hundred Forty-Six only) for recovery of training allowance granted to the Applicant for rendering instructional duties at ETI, Bangalore from 30.07.2020 till 31.08.2022 and the sum Rs.1,66,429/-(Rupees One Lakh Sixty-Six Thousand Four Hundred Twenty-Nine only) for recovery of fixation of pay on acting rank of Group

Captain w.e.f 01.04.2015, from the pensionary benefits of the Applicant and thereafter, quash all such orders.

b) Direct the Respondents to extend the benefits of grant of Training Allowance to the Applicant in the same manner as applicable to other similarly posted officer in the said duration.

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

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

“That keeping in view the facts and circumstances as mentioned above and also in terms of ratio laid down by Hon'ble Supreme Court in the case of State of Punjab and Others v. Rafiq Masih, Thomas Daniel vs State of Kerala and Jogeshwar Sahoo & Ors. Vs. The District Judge. Cuttack & Ors. the Applicant is seeking interim stay on the order dated 12.09.2025 directing the recovery of Rs.7,80,775/- (Rupees Seven Lakh Eighty Thousand Seven Hundred Seventy-Five only) in total, comprising of Rs.6,14,346/- (Rupees Six Lakh Fourteen Thousand Three Hundred Forty-Six only) for recovery of training allowance and Rs.1,66,429/- (Rupees One Lakh Sixty-Six Thousand Four Hundred Twenty-Nine only) for recovery of fixation of pay on acting rank of Group Captain w.e.f 01.04.2015, passed by the Respondents for recovering from pensionary benefits of the Applicant till the final disposal the Present OA as the Applicant is due for his retirement on 31.10.2025 and if interim stay is not granted by this Hon'ble Tribunal the Applicant will face Irreparable Loss. Moreover, the Prima Facie case, is also made out against the illegal orders passed by the

Respondents and balance of convenience also lies in favor of the Applicant and against the Respondents.”

3. Notice of the OA and interim prayers is issued and accepted on behalf of the respondents. As an interim measure, without any observations on the merits or demerits of this OA, it is directed that the applicant be paid 50% of his salary without default every month commencing from the present month of October, 2025.

4. The pleadings in the matter are directed to be completed by either side within a period of three months. The matter be listed before the Joint Registrar for completion of pleadings on 27.10.2025.

Re-list the matter on 12.02.2026

Copy of this order be given *DASTI* as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

TS