

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.2 (Ser No. 19)**

**O.A. No. 982 of 2023 with M.A. No. 1308 of 2023**

**Ex Hav Kanhai Lal** Applicant  
By Legal Practitioner for the Applicant: **Shri Shiv Kumar Saroj**, Advocate

**Versus**

**Union of India & Ors** Respondents  
By Legal Practitioner for Respondents: **Shri Rajesh Shukla**, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.12.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Lt Gen Anil Puri, Member (A)</u></b></p> <p>1. On the case being taken up for hearing, Shri Shiv Kumar Saroj, learned counsel for the applicant and Shri Rajesh Shukla, learned counsel for the respondent No 1 to 4 and 6 are present.</p> <p><b><u>M.A. No. 1308 of 2023</u></b></p> <p>2. Applicant has moved this application for condonation of delay in filing Original Application. As per report of the registry, there is no delay in filing Original Application. Therefore, this application is dismissed being not required.</p> <p>3. M.A. No. 1308 of 2023 is disposed off.</p> <p><b><u>O.A. No. 982 of 2023</u></b></p> <p>4. Case being related to refund of alleged recovery needs adjudication.</p> <p>5. Admit.</p> <p>6. Ld. Counsel for the respondents prays for and is allowed four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks next.</p> <p>7. Issue notice to respondent No 5 and 7 returnable within four weeks. Steps within a week.</p> <p>8. An interim relief has also been prayed by learned counsel for the applicant for stoppage of recovery of Rs 11,549/- from applicant's pension which is being recovered through pension slip for the month of July, 2023 onwards.</p> <p>9. Learned counsel for the applicant submitted that applicant has retired on 30.04.2023 and at the time of retirement he was holding rank of Havildar. It is also submitted that applicant came to know illegal recovery through pension slip for the month of Jul, 2023 vide which an</p>

amount of Rs 11,549/- is being recovered by PDA. In support of his contention, he has relied upon the Hon'ble Apex Court judgment in the case of **State of Punjab Vs Rafiq Masih**, Civil Appeal No. 11527 of 2014 decided on 18.12.2014.

10. In view of submission made by learned counsel for the applicant and the fact and circumstances of the case, alleged recovery of Rs 11,549/- shall remain stayed till next date of listing.

11. List on **15.02.2024**.

12. Let copy of this order be provided to learned counsel for the respondents/OIC Legal Cell for implementation of this order.

**(Lt Gen Anil Puri)**  
**Member (A)**

*rathore*

**(Justice Anil Kumar)**  
**Member (J)**