

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

**Court No. 2(Sl. No. 16)**

**O.A. No. 1531 of 2023**

**Smt Suman Chopra W/o Late Lt Col AK Chopra** Applicant  
By Legal Practitioner for the Applicant : Shri Aditya Singh Puar, Shri RK Mishra  
and Ms. Shalani Puar, Advocates

## Versus

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents: Ms. Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>29.07.2024</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 Aditya Singh Puar, Ld Counsel for the applicant and Ms. Appoli Srivastava, Ld. counsel for the respondents are present through virtual mode.</p> <p>2. The instant Original Application has been filed by the applicant under Section 14 of the AFT Act, 2007 for the following reliefs :-</p> <p style="padding-left: 40px;">“(i) The applicant, hence, prays for quashing of the Impugned Orders 1 &amp; 2 insofar as they declare the Applicant liable to pay the sum of Rs. 32,06,676/- (Rupees thirty two lacs, six thousand, six hundred and seventy six only), since the recovery is impermissible in law, and even as per the respondents own rules;</p> <p style="padding-left: 40px;">(ii) The applicant further prays for return of all funds illegally recovered from her;</p> <p style="padding-left: 40px;">(iii) With a further prayer that the respondent's may be directed to release funds illegally recovered from her with costs and compensation and interest within a time-bound manner;</p> <p style="padding-left: 40px;">(iv) Any other relief which the Hon'ble Tribunal may deem fit in the interest of applicant.”</p> <p>3. Learned Counsel for the respondents has raised a preliminary objection with regard to jurisdiction and has submitted that the applicant being resident of F-304, Maestros, Salunkhe Vihar Road, Wanowrie, Pune (Maharashtra) does not fall under territorial jurisdiction of this Tribunal as per Rule 6 of AFT (Procedure) Rules, 2008. She further submitted that impugned order 1 &amp; 2, i.e, demand notices under challenge have been passed by State Bank of India, CPPC, Belapur, Navi Mumbai (respondent No. 3) and impugned order 3 is just clarification/reply by PCDA (P) Prayagraj and therefore, grievance of the applicant with regard to recovery of over payment of Rs. 32,06,676/- is against</p>

	<p>the State Bank of India, CPPC, Navi Mumbai and not PCDA (P), Prayagraj which is central agency dealing with pension matters of defence personnel of all over India. Therefore, neither the applicant is resident of within the territorial jurisdiction of this Tribunal nor cause of action arises under the jurisdiction of this Tribunal as the matter pertains to recovery of pension amount by the State Bank of India, CPPC, Belapur, Navi Mumbai (respondent No. 3), hence, this Original Application lacking territorial jurisdiction is liable to be dismissed being not maintainable before this Tribunal.</p> <p>4. In reply to above, Ld. Counsel for the applicant submits that the grievance raised by the applicant in the Original Application is maintainable before this Tribunal as the cause of action in the instant case arose when the PCDA (P) Allahabad (respondent No. 3), the authority dealing with pension is located within the jurisdiction of this Tribunal and respondent No. 3 has replied regarding fact of query of pension of State Bank of India (PDA) and to undertake the impugned actions. Therefore, cause of action has arisen in part in area under the jurisdiction of this Tribunal as PCDA (P) Allahabad (respondent No. 3) is located within the territorial jurisdiction of this Tribunal and hence, application is very much maintainable before this Tribunal as per Rule 6(2) of the AFT (Procedure) Rules, 2008.</p> <p>5. We have heard learned counsel for the parties and perused the material placed on record.</p> <p>6. Section 14 of the Armed Forces Tribunal Act, 2007, speaks about jurisdiction, powers and authority, being relevant in the instant case is reproduced as under :-</p> <p><b><i>“14. Jurisdiction, powers and authority in service matters - (1) Save as otherwise expressly provided in this Act, the Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority, exercisable immediately before that day by all courts (except the Supreme Court or a High Court exercising jurisdiction under article 226 and 227 of the Constitution) in relation to all service matters.</i></b></p> <p><i>(2) Subject to the other provisions of this Act, a person aggrieved by an order pertaining to any service matter may make an application to the Tribunal in such form and accompanied by such documents or other evidence and on payment of such fee as may be prescribed.</i></p> <p><i>(3) On receipt of an application relating to service matters, the Tribunal shall, if satisfied after due inquiry, as it may deem necessary, that it is fit for adjudication by it, admit such application; but where the Tribunal is not so satisfied, it may dismiss the application after recording its reasons in writing.</i></p> <p><i>(4).....</i></p> <p><i>(5) The Tribunal shall decide both questions of law and facts that may be raised before it.”</i></p> <p>7. Section 6 of the Armed Forces Tribunal (Procedure) Rules, 2008 in so far as it is relevant for the instant case which deals with ‘Place of filing</p>
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	<p>application', is reproduced as under :-</p> <p><b><i>"6. Place of filing application. - (1) An application shall ordinarily be filed by the applicant with the Registrar of the bench within whose jurisdiction –</i></b></p> <p style="padding-left: 40px;">(i) <i>The applicant is posted for the time being, or was last posted or attached;</i></p> <p style="text-align: center;"><i>Or</i></p> <p style="padding-left: 40px;">(ii) <i>Where the cause of action, wholly or in part, has arisen:</i></p> <p style="padding-left: 40px;"><i>Provided that with the leave of the Chairperson the application may be filed with the Registrar of the Principal Bench and subject to the orders under Section 14 or Section 15 of the Act, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.</i></p> <p style="padding-left: 40px;"><i>(2) Notwithstanding anything, contained in sub-rule (1), a person who has ceased to be in service by reason of his retirement, dismissal, discharge, cashiering, release, removal, resignation or termination of service may, at his option, file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application."</i></p> <p>8. In the instant case, applicant's grievance/prayer (i) is with regard to quashing of impugned orders 1 &amp; 2 which are issued by State Bank of India, CPPC, Belapur, Navi Mumbai (respondent No. 3) and the Bank is located in Mumbai (Maharashtra), hence, location of State Bank of India against which applicant has grievance with regard to recovery of amount from pension is out of territorial jurisdiction of this Tribunal.</p> <p>9. Under the provisions of Sub Section (1) &amp; (2) of Rule 6 of the AFT (Procedure) Rules, 2008, the case of the applicant is not maintainable as neither the applicant is resident of within the territorial jurisdiction of this Tribunal nor cause of action arises under the jurisdiction of this Tribunal as the matter pertains to recovery of over payment of pension amount by the State Bank of India, CPPC, Belapur, Navi Mumbai (respondent No. 3).</p> <p>10. In this case, PCDA (P) Prayagraj (respondent No. 2), has replied a query asked by the State Bank of India, CPPC, Belapur, Navi Mumbai (respondent No. 3) with regard to calculation of pension and weightage in qualifying service, hence, PCDA (P) Prayagraj (respondent No. 2) has no direct concern with regard to over payment/recovery of amount from pension of the applicant. PCDA (P) Prayagraj is a central pension agency dealing with pension matters of defence personnel of all over India and therefore, cause of action does not directly arise against PCDA (P) Prayagraj.</p> <p>11. In view of the aforesaid discussion, we are of the considered view that the instant Original Application for adjudication of controversy involved in the present matter is not maintainable, lacking territorial jurisdiction and it cannot be admitted for hearing. It deserves to be dismissed at the admission stage itself.</p> <p>12. It is made clear that we have not entered into the merits of the case.</p>
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	<p>13. The Original Application is, therefore, <b>dismissed</b> being barred by jurisdiction. However, liberty is granted to the applicant to take recourse to such remedy as may be permissible under law with regard to the issue in question.</p> <div><div>(Lt Gen Anil Puri) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div> <div>SB</div>
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