

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

O.A. No. 180 of 2025

Ex CPO Balbir Singh

By Legal Practitioner for the Applicant : Shri Ved Prakash Pandey, Shri RK Singh, Shri Deepak Bhatt and Shri DK Dixit, Advocates

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.03.2025</u> <u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon’ble Lt Gen Anil Puri, Member (A)</u></p> <p>1. Memo of appearance filed by Shri Kaushik Chatterjee, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p>2. On the case being taken up for hearing, Shri Ved Prakash Pandey and Shri RK Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Learned counsel for the respondents are present.</p> <p>3. This O.A. has been filed for issuing directions to the respondents to quash letter dated 03.12.2024 issued by respondent No 5 with regard to overpayment of Rs 2,44,982/- to the applicant for the period 01.01.2006 to 01.09.2023 and refund of amount already recovered by the respondents.</p> <p>4. An interim prayer has also been made by the applicant to stop recovery of Rs 13,885/- per month in view of order dated 18.12.2014 passed by the Hon’ble Apex Court in Civil Appeal No 11527 of 2014, <i>State of Punjab & Ors vs Rafiq Mashih (White Washer)</i>.</p> <p>5. Learned counsel for the applicant submitted that the applicant was enrolled in the Indian Navy on 12.06.1965 and he was discharged from service on 31.10.1991 after completion of 26 years, 04 months and 20 days service. He further submitted that after discharge from service, applicant was granted service pension vide PPO No. 09/97/B/S/00879/1991 (Annexure A-3 to O.A.). It was also submitted that PCDA (P), Prayagraj vide letter dated 03.12.2024 (Annexure A-1 to O.A.) intimated that based on information received from bank there was overpayment of Rs 2,44,982/- to the applicant before migrating the account to SPARSH.</p> <p>6. Further submission of learned counsel for the applicant is that the said amount is being recovered from pension account of the applicant @ Rs 13,885/- per month w.e.f. 01.07.2024. He pleaded for stoppage of recovery</p>

	<p>and refund of amount already recovered from the applicant.</p> <p>7. On the other hand, learned counsel for the respondents submitted that this O.A. is not maintainable as the matter involved in this case is not subject to Army Act. He further submitted that the matter, being related to consumer dispute, requires hearing at the appropriate forum. It was further submitted that prior to migrating to SPARSH, respondent No 6 i.e. Union Bank of India was the disbursing authority. He pleaded for dismissal of O.A.</p> <p>8. Heard learned counsel for the parties and perused the record.</p> <p>9. Having gone through the facts and circumstances of the case, we find that the applicant is a retired soldier of Indian Navy and his case is maintainable before this Tribunal.</p> <p>10. Admit.</p> <p>11. Learned counsel for the respondents prays for and is allowed four weeks time to file counter affidavit, to which rejoinder affidavit may be filed by learned counsel for the applicant within two weeks thereafter.</p> <p>12. Keeping in view of submission of learned counsel for the applicant and case law cited, and facts and circumstances of the case, recovery from pensionary benefits shall remain stayed till next date fixed.</p> <p>13. Issue notice to respondent No 6 returnable within four weeks. Applicant is directed to take steps within a week.</p> <p>14. List on 14.08.2025.</p> <div><div><p>(Lt Gen Anil Puri) Member (A)</p><p><i>rathore</i></p></div><div><p>(Justice Anil Kumar) Member (J)</p></div></div>
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