

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

Court No.1 (E. Court)

**O.A. No. 390 of 2021**

**Ex Sub/SKT Arvind Kumar Singh**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>27.04.2022</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Wg Cdr SN Dwivedi (Retd), learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>2. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-</p> <p style="padding-left: 40px;">(a) <i>Issue/pass any order or direction to the respondents to refund the amount of Rs. 3,22,969/- (Rupees three lakh twenty two thousand, nine hundred and sixty nine only) with accrued interest to the applicant, wrong fully and unauthorisedly deducted / recovered from his AFPPF account balance, during Final Settlement of Account at the time of his retirement, against a final withdrawal of Rs. 1,00,000/- from AFPPF, only once in 2006-07 (passed in QE 11/06) and which amount was already recovered in the year 2009-10 against the Voucher No. 002/00000 dt. 06/09 and the same was reflected in the statement of Account Quarter Ending 02/2010 (Annexure No. A-2).</i></p> <p style="padding-left: 40px;">(b) <i>Issue /pass any other order or direction as this Hon'ble Tribunal may deem fit, just and proper under the circumstances of the case and</i></p>

(c) *Allow this Original Application with costs.*

3. Brief facts of the case are that the applicant was enrolled in the Army on 05.03.1990 and was discharged from service on 31.03.2020 after completion of terms of engagement. In the year 2006-07 while posted with GE, Suratgarh applicant had taken final withdrawal of Rs one lakh from his AFPP fund account which was adjusted in his quarterly statement of account (QSA) for quarter ending (QE) 02/2010 (Annexure A-2). Before his superannuation a final statement of account was made in which an amount of Rs 3,22,969/- (principal plus interest) was deducted against final withdrawal of Rs one lakh taken during 2006-07. On 10.04.2020, against aforesaid wrong and unauthorised deduction from his AFPP fund account, applicant submitted representations to OIC (NE Section), Records, Roorkee and respondent No 3 but since no satisfactory reply was received, this O.A. has been filed for issuing directions to the respondents to refund Rs, 3,22,969/- alongwith interest.

4. Learned counsel for the applicant submitted that during the course of his service the applicant withdrew a sum of Rs 1 lakh from his AFPP fund account in the year 2006-07 (passed in quarter ending 11/06) and which amount was adjusted in quarter ending 02/10 through voucher No 0002/00000 of June 2009. He further submitted that after discharge from service when the applicant received Final Settlement of Account (FSA), it was observed that a

sum of Rs 3,22,969/- was wrongly deducted against final withdrawal of Rs one lakh from AFPP fund in the year 2006-07 which has already been adjusted in quarter ending 02/10. In this regard the applicant preferred various representations but when nothing tangible could be achieved, he filed this O.A.

5. On the other hand, learned counsel for the respondents submitted that the applicant had withdrawn a sum of Rs one lakh from his AFPP fund account (voucher No 999/000) which was passed/paid in QE 11/06 and the same was adjusted in QE 02/2010 and another payment of Rs one lakh made in QE 04/2007 has not been recovered. His further submission is that apparently double payment from AFPP fund has been made first Rs one lakh in QE 11/06 and second Rs one lakh in QE 04/2007. However, only Rs one lakh was recovered in QE 02/2010 and payment of Rs one lakh, which was paid in QE 04/2007, was not recovered till FSA, therefore, the same was recovered with interest at the time of retirement.

6. We have heard learned counsel for the parties and perused the material placed on record.

7. The controversy involved in this case is regarding payment of two withdrawals, one in the year 2006 and other in the year 2007. Sub/SKT Arvind Kumar Singh while serving with GE, Suratgarh had withdrawn a sum of Rs one lakh from his AFPP fund account. It was sanctioned and paid to the applicant and was reflected in QE

02/2010. Respondents' contention is that in the year 2007 applicant had also withdrawn a sum of Rs one lakh which amount has not been adjusted and the same has been debited (principal and interest) from his FSA at the time of retirement. On 03.02.2022 the respondents filed copy of ledger showing withdrawal of Rs one lakh in the year 2007 but the applicant denied any such withdrawal. He was directed to file copy of bank statement of the respective year which he filed on 04.03.2022. On perusal we found that there was only one entry with regard to credit of Rs one lakh in his bank pass book in November, 2006 and no such entry was there for April, 2007.

8. In regard to the aforesaid, respondents were directed to seek instructions. Earlier, the paying unit was asked to produce payment voucher with regard to payment of Rs one lakh made to the applicant in the year 2007 but despite repeated requests there was no response from GE, Suratgarh. Today the respondents have produced copy of letter dated 27.04.2022 in response to order dated 04.03.2022, perusal of which specifies that GE, Suratgarh is unable to produce voucher/documents, with regard to payment made to the applicant in the year 2007, even after protracted correspondence.

9. In view of the above and the fact that there is only one entry of Rs one lakh in applicant's pass book, we are of the view that amount of Rs 3,22,969/- deducted from applicant's FSA is

returnable.

10. A conspectus of above observations is that applicant had withdrawn Rs one lakh from his AFPP fund account and the same was adjusted in QE 02/10 and no amount is due from the applicant. With this view the respondents are directed to refund a sum of Rs 3,22,969/- to the applicant within a period of two months from today, alongwith 8% simple interest from the date of its recovery till the date of its payment to the applicant. Default in compliance with this order will invite interest @ 8% p.a.

11. The O.A. is **allowed**.

12. No order as to costs.

13. Miscellaneous application(s), pending if any, stand disposed of.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

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