RESERVED
Court No. 2

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 546 of 2025

Tuesday, this the 27th day of October, 2026

***"*Hon'ble Mr. Justice Suresh Kumar Gupta, Member (J)**
Hon'ble Vice Admiral Atul Kumar Jain, Member (A)"

13696027K Hav Sur Sari Charan (Retd), S/o Ram Pherey Mishra, Village-Khani Kalapur, Post-Pali, Tehsil-Sawaijpur, Distt-Hardoi (Uttar Pradesh).

….. Applicant

Ld. Counsel for the Applicant : **HFO Ramesh Chandra Shukla (Retd)**, Adv
Shri Mahendra Kumar Singh, Adv

Versus

1. Union of India (MoD), through Secretary Department of Ex-Servicemen Welfare (DESW), South Block, New Delhi-06.
2. PCDA (P), Draupadi Ghat, New Cantt, Prayagraj (UP)-211014.
3. Chief of the Army Staff, IHQ MoD (Army), South Block, New Delhi.
4. Addl Dte Gen of Personnel Services/AG/PS-4 (Imp-II), Adjutant General's Branch, IHQ of MoD (Army), Room No-10, Plot No. 108 (West), Brassey Avenue, Church Road, New Delhi-110011.
5. Senior Record Officer, Records Brigade of the Guards, C/o 56 APO, Pin-900746.

.....Respondents

Ld. Counsel for the Respondents : **Shri Yogesh Kesarwani**, Adv
Central Govt Counsel

ORDER

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-

> *"(a) To allow this Original Application, and-*
>
> *(b) To quash and set aside:-*
> *(i) order dated 12.03.2025 rejecting CPGRAM grievance No DEABD/E/2024/0082579 dt 28.11.2024 (Annexure A-1).*
> *(ii) order dated 05.06.2025 rejecting CPGRAM grievance No FADSS/E/2025/0003695 dt 24.03.2025 (Annexure A-2).*
> *(iii) Speaking Order No SPARSH Army-4/PBOR/A08462/241/ 2025 dt 06.06.2026 in CPGRAMS Appeal No FADSS/C/A/25 /0001517 dt 17.03.2025 (Annexure A-3).*
> *(iv) order dated 25.06.2025 rejecting CPGRAMS grievance No DOPPW/E/2025/0041517 dated 24.05.2025 (Annexure A-4).*
> *(c) To issue/pass an order or directions of appropriate nature to the respondents to refund excess amount recovered from the applicant's pension stating double payment of Commuted Value of Pension which has already been refunded in their bank account, and*
> *(d) To issue/pass an order or direction of appropriate nature to the respondents for payment of penal interest @ 18% on the entire amount recovered illegally from the applicant's pension from the date of first recovery i.e. 01.02.2024 till actual date of payment in the applicant's bank account, and*
> *(e) To pass an order or direction to the respondents to pay compensation of Rs 10,00,000/- to the applicant for causing mental harassment and leading to live financially distressful life due to irresponsible approach of the respondent No 2, and*
> *(f) To pass an order for the respondents to pay cost of the litigation of Rs 50,000/- to the applicant.*
> *(g) Any other relief as considered proper by the Hon'ble Tribunal be awarded in favour of the applicant."*

2. Brief facts of the case are that the applicant was enrolled in the Army on 23.08.1995 and invalided out of service w.e.f. 31.05.2016 (AN) before completion of terms of engagement under Rule 13 (3) III (a) (i) of the Army Rules, 1954. After discharge from service, he was granted all retiral benefits in accordance with his entitlement as per 7th CPC and due pension granted w.e.f. 01.06.2016. Due to oversight, PCDA (P), Prayagraj paid

Rs 12,95,325/- to the applicant on account of capitalized value of pension on 13.06.2024, which was recovered from him by the PDA on 31.07.2024. This O.A. has been filed on behalf of the applicant to grant interest on amount which was recovered by PDA through his pension on account of recovery of excess payment made.

3. Submission of learned counsel for the applicant is that on credit of excess amount of Rs 12,95,325/- to his account in the month of June, 2024, the applicant himself had sent e-mail dated 16.06.2024 followed by another e-mail dated 06.09.2024 and based on the applicant's e-mail, Records The Brigade of the Guards vide letters dated 27.06.2024 and 20.09.2024 requested SPARSH to examine the matter and recover the additional commutation value of pension. His further submission is that although the wrongly credited amount towards commuted value of pension was recovered from his account on 31.07.2024, but the PDA started illegal recovery and for that the applicant had submitted e-mail dated 27.02.2025. Based on e-mail dated 27.02.2025, The Brigade of the Guards vide letter dated 05.03.2025 took up case with PCDA (P) to examine the matter and refund the excess recoveries in account of the applicant.

4. Learned counsel for the applicant further submitted that although the illegal recovery made on account of payment of excess capitalized value of pension, interest part on recovered amount being not paid by the respondent bank, the applicant

submitted various e-mails and thereafter, representation dated 09.04.2025, which was rejected by PCDA (P), Prayagraj vide speaking order dated 06.06.2025 closing his all appeals. He pleaded for grant of interest on illegal recovered amount, compensation and cost of litigation.

5. On the other hand, Ld. Counsel for the respondents admitted that on receipt of double value of capitalized value of pension, the applicant had submitted e-mail dated 16.06.2024 and thereafter the amount, which was wrongly credited to the applicant's account, was recovered from his bank account on 31.07.2024. It is further submitted on behalf of the respondents that representation dated 09.04.2025 submitted by the applicant against illegal recovery from pension was disposed off vide speaking order dated 06.06.2025 closing the case. He pleaded for dismissal of O.A.

6. Heard learned counsel for the parties and perused the record.

7. It is undisputed fact of the parties that the applicant was erroneously paid excess amount of Rs 12,95,325/- towards capitalized value of pension on 13.06.2024, which was recovered from his account on 31.07.2024 after receipt of intimation from the applicant in the form of e-mail and letters, meaning thereby that the excess amount paid to the applicant was recovered within one and half month. On receipt of intimation regarding excess amount paid

to the applicant, the PCDA (P), Prayagraj issued letter dated 25.07.2024 to PDA of the applicant intimating the following:-

> *"It is intimated that an amount of additional sum of Rs 12,95,325/- (Twelve Lakh ninety five thousand three hundred twenty five only) on account of commutation value of pension has erroneously been credited into account No 35412417100 of above named pensioner in your bank. However, same amount has already been paid to him in past.*
>
> *It is therefore requested to recover the over-paid amount to the tune of Rs 12,95,325/- /- (Twelve Lakh ninety five thousand three hundred twenty five only) and credit the same in PCDA (P), Prayagraj Account No 05525501008 maintained in RBI, New Delhi. x x x x x x."*

8. No doubt showing utter honesty, the applicant took immediate step in informing the respondents regarding excess amount credited to his account, which was subsequently debited from his account, but despite the excess amount having been debited by PCDA (P), the respondents had started recovery from his pension on account of excess amount paid w.e.f. November 2024 onwards, which was stopped vide order dated 02.09.2025 passed by this Tribunal.

9. During the course of hearing, learned counsel for the applicant informed that the amount which was recovered from the applicant has been refunded by the respondents but the applicant is entitled to interest on recovered amount, litigation expenses and compensation on account of mental pain and agony.

10. Thus, in view of Rs 12,95,325/- having been refunded on 31.07.2024, the applicant is entitled to interest @ 6% p.a. on excess recovery which was made after 31.07.2024. The respondents are directed to pay the above interest to the applicant

within a period of two months, in default interest @ 6% p.a. shall be payable.

11. Additionally, we are further of the opinion that in view of the pronouncement of the Hon'ble Supreme Court in the case of ***Ramrameshwari Devi and others vs Nirmala Devi and others***, (2011) 8 SCC 249, since the applicant has been unnecessarily forced to enter into litigation, he deserves to be compensated. Accordingly, we quantify compensatory cost of Rs 25,000/- (Rupees twenty five thousand only) which shall be paid to the applicant by the respondents within a period of four months from today.

12. In view of the above, O.A. is **partly allowed** and impugned order, if any, is quashed. No costs.

13. Pending Misc. Application(s), if any, shall be treated to have been disposed off.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Suresh Kumar Gupta)
Member (J)

Dated : 27.10.2026
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Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 546 of 2025

Hav Sur Sari Charan (Retd) **Applicant**

By Legal Practitioner for the Applicants

Versus

Union of India & Ors Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.10.2026 Hon'ble Mr. Justice Suresh Kumar Gupta, Member (J) Hon'ble Vice Admiral Atul Kumar Jain, Member (A) 1. Order pronounced. **2. O.A. No. 546** of **2025** is partly allowed. 3. For orders, see our judgment and order passed on separate sheets. (Vice Admiral Atul Kumar Jain) Member (A) (Justice Suresh Kumar Gupta) Member (J) *rathore*