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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of decision: 02nd February, 2022**

+ **W.P.(C) 1352/2023 & CM APPLs. 5067/2023, 5068/2023, 5069/2023**
PUNJAB NATIONAL BANK Petitioner

Through: Mr. Arun Kr. Shukla, Advocate.

versus

**SMT PINKY DESHWAL WIFE OF LATE SGT PAPENDRA
KUMAR DESHWAL SERVICE NO 740074 & ORS.**

..... Respondents

Through: Ms. Pallavi Awasthi, Advocate for
R-1.

Mr. Neeraj, Advocate & Mr. Vedansh
Anand, Govt. Pleader for R-2 to 5
UOI.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. *Vide* the present petition, the petitioner is seeking following reliefs:

“(a) Issue appropriate Writ of Certiorari or any other appropriate writ(s)\Order/Direction to set-aside the impugned order dated 01.09.2022 & 20.12.2022 passed by Learned Armed Force Tribunal, Principal Bench, New Delhi in Original Application No. 1907/2022 titled as Smt. Pinky Deshwal W/o Sgt. Papendra Kumar Deshwal Versus Union of India & Ors. and Review Application No.36 of 2022; AND,

(b) To allow the petitioner to adjust the excess amount of Rs.36,37,262/-(Rupees Thirty-Six Lakh Thirty-Seven Thousand Two Hundred Sixty-Two Only) paid to the respondent no.2 out of the amount of the FDR of respondent no.2 lying with the petitioner bank towards the recovery of the said amount for recovery from the Respondents account.”

2. The present petition has been filed on behalf of the petitioner whereby the petitioner has placed reliance on the Circular bearing No. DGBA.GAD. No. 2960/45.01.001/2015-16 dated 17.03.2016 to submit that the petitioner/Bank has authority to recover the excess payment paid to the petitioner.
3. Learned counsel on behalf of the respondents has placed on record the Office Memorandum dated 05.04.2022 *vide* which earlier Circular bearing No. DGBA.GAD. No. 2960/45.01.001/2015-16 dated 17.03.2016 has been withdrawn. Thus, *vide* Order dated 01.09.2022, the Armed Forces Tribunal stayed the recovery being made from the pension of the respondent No.1 and directed that the lien imposed on the FDR for purpose of recovery be lifted immediately and the FDR be released to the respondent No. 1.
4. In view of above, we find no irregularity and perversity in the Order dated 01.09.2022 of the Armed Forces Tribunal. Moreover, the O.A. bearing No. 1907/2022 is pending before the Armed Forces Tribunal and the petitioner shall take steps to defend its case before the Armed Forces Tribunal.
5. Accordingly, the petition along with pending applications is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 02, 2022/S.Sharma

W.P.(C) 1352/2023

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