

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13028 of 2025

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Arjun Prasad Sharma son of Late Dashrath Prasad Sharma, resident of At
Sitalpur, Sharma Tola, P.O. -Sitalpur, Police Station - Dighwara, District -
Saran.

... .. Petitioner/s

Versus

1. The Union of India through the Controller of Defence Accounts (Pension),
Allahabad, U.P.
2. The Senior Accounts Officer, Audit Section P.C.D.A., Allahabad, Draupadi
Ghat, Prayagraj, U.P.
3. The Chief Manager, State Bank of India, Centralized Pension Processing
Centre, Samridhi Bhawan, Strand Road, Block-C, 7th and 8th Floor,
Kolkata, West Bengal.
4. The Senior Record Officer, Indian Army Corps of Signals, Jubblepore,
Madhya Pradesh.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Sinha, Advocate Mr. Sanjay Kr. Pandey, Advocate Mr. Manoj Kumar, Advocate
For the U.O.I.	:	Mr. Mr. Amish Kumar, Advocate (C.G.C) Mr. Satish Kumar Mehta, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 18-04-2026

Heard learned counsel for the petitioner and
learned counsel for the Union of India.

2. The present writ petition has been filed for the
following reliefs:-

*(i) To quash and set aside the
letter No. CPPC/24- 25/SHR-4762 dated
07.12.2024 issued by the Chief Manager,
State of India CPPC, Samriddhi Bhawan,*



Kolkata (Respondent No. 3) by which an order for recovery of an amount aggregating to Rs.17,91,903/- (Rupees seventeen lacs ninety one thousand nine hundred three) for the period 01.01.2006 to 30.11.2024 has been passed on account of rank was fed up in the system as Sepoy Group Y instead of reservist, ignoring the certain letter No. CPPC/24-25/SHR 4431 dated 21.11.2024 issued on the same issue for recovery of an amount of Rs. 15,93,887.00 (Rupees fifteen lacs ninety three thousand eight hundred eighty seven) for the period 01.01.2006 to 31.10.2024.

(ii) For a direction to Respondent No. 3 to stay the recovery process and after issuance of notice to the respondents and after hearing the parties be pleased to quash the Letter No. 4762 dated 07.12.2024 and direct them to pay the recovered amount if any to the petitioner with interest as fixed by the Hon'ble Court.

(iii) To impose the exemplary cost on the respondents for causing undue harassment, deducting one third of the gross pension and for litigation expenses to the petitioner.

(iv) For any other relief/reliefs as the Hon'ble Court may deem fit and proper.



3. Learned counsel for the Union of India submits that, vide Order No. 2 dated 15.09.2025, it has become crystal clear that the Stamp Reporter of this Hon'ble Court raised an objection bearing Defect No. 46 at the time of stamp reporting regarding the maintainability of the present writ petition. In this regard, the Hon'ble Court has been pleased to observe that the aforesaid Defect No. 46 shall be considered at the time of admission. Counsel further submits that the petition appears to be a matter of the Armed Forces, hence, the appropriate remedy lies before the appropriate forum or as may be decided by the Hon'ble Bench.

4. Counsel further submits that Section 3(o) of the Armed Forces Tribunal Act, 2007 defines "service matters", in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include allowances, pension, and other retirement benefits. Counsel further submits that, in the present matter, the dispute directly relates to pension, therefore, he submits that the Armed Forces Tribunal Act, 2007 has jurisdiction to hear it. Counsel also submits that, in addition, Section 4 of the Armed Forces Tribunal Act, 2007 deals with the



jurisdiction, powers, and authority in service matters.

5. Counsel further relied on the judgment passed by this Hon'ble Court in L.P.A. No. 1115 of 2015, decided on 04.11.2015, *Ex Cpl Group I 679805, H.B.K. Singh @ Binod Kumar Singh v. The Union of India & Ors.*

6. Learned counsel for the petitioner, in response thereto, submits that the petitioner is aged about 85-86 years and that, by sending this matter before the Tribunal, he shall be unnecessarily harassed. Counsel further submits that a counter-affidavit on behalf of the Union of India has already been filed, therefore, instead of sending this matter before the Armed Forces Tribunal, it would be better to decide it here itself.

7. After hearing the parties and upon perusal of the law, the term "service matters" has been defined under Section 3(o) of the Armed Forces Tribunal Act, 2007. It also transpires to this Court that Section 2 of the Armed Forces Tribunal Act, 2007, which deals with the applicability of the Act, indicates that the provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950). (2) This Act shall also apply to retired personnel subject to the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air



Force Act, 1950 (45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters.

8. Admittedly, the present matter relates to the petitioner, who is a retired person subject to the Army Act, 1950 (46 of 1950). Therefore, in the opinion of this Court, the matter should first be taken before the Armed Forces Tribunal under the Armed Forces Tribunal Act, 2007.

9. From the perusal of the counter-affidavit, the stand taken by the Union of India is that the cause of action has arisen due to an error committed on the part of the banking agency, and the said banking agency is not present here.

10. From the perusal of the order passed by this Hon'ble Court in the case of *Ex Cpl Group I 679805, H.B.K. Singh @ Binod Kumar Singh (supra)*, it is evident that, under Section 3(o) of the Armed Forces Tribunal Act, 2007, the definition includes the remuneration, pension and other retirement benefits of any army personnel and therefore, the said appeal has been disposed of granting liberty to the petitioner to approach the tribunal constituted under the Armed Forces Tribunal Act, 2007 for the redressal of his grievances. It is due to this reason, this Court is of the firm view that the remedy lies before the Armed Forces Tribunal.



11. Accordingly, the present writ petition stands disposed of. Liberty is hereby granted to the petitioner to seek stay of the impugned order by filing an application/petition before the Tribunal within 60 days from today. Till the Tribunal passes any order on the stay petition, no further recovery shall be made on the basis of the impugned order.

12. If the petitioner files any application/petition before the Tribunal within a period of 60 days from today, this Court expects that the concerned Tribunal shall expedite the disposal of his application/petition as early as possible, preferably within a period of six months from the date of filing of such application/petition.

13. It is made clear that, if within 60 days the petitioner does not file any application/petition before the concerned Tribunal and apply for stay, then, in that case, the present order shall automatically stand vacated.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2026
Transmission Date	NA

