

**ARMED FORCES TRIBUNAL,  
REGIONAL BENCH, GUWAHATI**

**12.**

**OA-14/2023**

**Lt Col T. Moaba Amer (Retd)**

..... **Applicant**  
By legal practitioners for  
Applicant.  
AR Tahbildar

**-Versus-**

**UOI & Others.**

..... **Respondents**  
By legal practitioner for  
Respondents.  
PJ Barman

**CORAM:**

**HON'BLE MR. JUSTICE SUDHIR MITTAL, MEMBER (J)**  
**HON'BLE AIR MSHL BALAKRISHNAN SURESH, MEMBER (A)**

**ORDER**

**09.10.2023**

Vide order dated 30.07.2018 passed by this Tribunal, the disability element has been granted to the applicant @ 50 % for life w.e.f. 03.03.2012. Accordingly the PPO was issued which has been revised pursuant to the directions dated 07.03.2019 issued by ADGPS/PS-4 (Pension/Legal). Arrears have been restricted w.e.f. 2.01.2015, resulting in recovery being effected from the applicant.

Learned Counsel for the applicant submits that an administrative authority cannot over rule an order passed by a judicial authority, unilaterally.

Thus, the order dated 07.03.2019 is not only illegal but also contemptuous.

Notice.

PJ Barman, learned Counsel for the respondents accepts notice and seeks time to file reply.

Prayer accepted. Reply be filed within 06 weeks and rejoinder thereto be filed within 04 weeks thereafter.

Meanwhile, no further recovery shall be effected from the applicant.

**(Air Mshl Balakrishnan Suresh)**  
**MEMBER (A)**

**(Justice Sudhir Mittal)**  
**MEMBER (J)**

Kk/gm