

**IN THE ARMED FORCES TRIBUNAL
REGIONAL BENCH, GUWAHATI.**

OA- 41/2017

Ex Sub Chandra Kanta Das

..... Applicant.

By legal practitioners for
Applicant.
Mr.A.R.Tahbildar

-VERSUS-

Union of India & ors

..... Respondents..

By Legal Practitioner for the
Respondents
Mr.D.C.Chakravorty,CGSC

PRESENT

**HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN C.A.KRISHNAN, MEMBER (A)**

25.10.2017

1. The learned counsel for the applicant has contended that the applicant was receiving disability pension @ 50%. However, the Bank has started effecting recovery of Rs. 8987.00 per month with effect from October, 2016, ostensibly on the presumption that the application is entitled to 20% disability pension.
2. It has been further contended that the Bank authority have no right to make the recovery, more so after the Judgment passed by Hon'ble Supreme Court in Ramavatar case.
3. We mind merit on the submission of the learned Counsel for the applicant.
4. Issue notice to the respondents.
5. Mr. D.C.Chakraborty, learned CGSC accepts notice on behalf of the respondents. No fresh notice need be issued.

6. Respondents shall file affidavit within six weeks with copy to the applicant.
7. The applicant will file rejoinder thereafter.
8. In the meantime, respondents Bank shall not make any recovery from the Bank Account of the applicant till further orders of the Court.
9. Order dasti to the learned counsel for the parties. Copy also be sent to the Bank concerned.

MEMBER(A)

MEMBER(J)

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