

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.959/2002

Hon'ble Shri Shanker Raju, Member(J)

Friday, this the 16th day of August, 2002

G.N.Gidwani
s/o Late Narain Das Gidwani
Government Pensioner
r/o 305, "B", "Dhup Chaon"
4, Bungalows, Andheri West
MUMBAI - 400 053. Applicant

(By Advocate: Shri S.P.Chadda, through Shri
R.Doraiswamy)

Vs.

1. Union of India through
the Directorate General of Supplies & Disposals
Jeewan Tara Building
5, Sansad Marg,
New Delhi - 110 001.
2. Director of Quality Assurance
(Dte. General of Supplies & Disposals)
Nizam Palace, 234/4, AJC Bose Road
Kolkata - 700 020.
3. The Controller of Accounts
15, R.N.Mukherjee Road
Kolkata - 700 001. Respondents

(By Advocate: Shri Rajinder Nischal, through Shri
Inderjit Singh)

O R D E R (Oral)

By Shri Shanker Raju, M(J):

Heard both the learned counsel.

2. Applicant, in this OA, has assailed the action of the respondents reducing his pension by an order dated 28.1.2002/4.2.2002. He has sought for issuing a direction to the respondents to continue the revised pension/family pension of the applicant and quashment of these orders and also sought a direction not to recover any excess payment of pension.

3. Learned proxy counsel for applicant contended that the decision contained in OM dated 17.12.1998, no reference whatever to link the pension replacement scale and the clarification issued by Department of P&P.W. on 11.5.2001 is an after thought. He places reliance on a decision of the Co-ordinate Bench in OA 3377/2001 and connected OAs in A. Mitra v. Union of India & Others, decided on 6.3.2002 where the validity of the orders passed by the respondents dated 17.12.1998 and 11.5.2001 and clarification dated 11.5.2001 have been upheld, in so far as the recovery is concerned, the respondents have been directed not to recover the amount.

4. Learned proxy counsel for respondents drawing my attention to Annexure R-IV of the reply, stated that the issue is of revision of pension is no more res integra having attained finality which has not been further challenged, the same decision, in all fours, covers the case of the applicant. As such he is not entitled for continuance of pension on the basis of the earlier pension accorded to him without any revision. However, in so far as the recovery is concerned, it is stated that the respondents have to implement the decision of the CAT supra and further decision not to effect any recovery of excess amount of pay to the applicant.

5. I have carefully considered the rival contentions of both the parties. As the issue of revision of pension has already been dealt with and validity of the orders have been upheld, the

applicant's claim for quashing the orders and continuance of the revised pension/family pension, cannot be countenanced.

6. In so far as the recovery is concerned, as the respondents themselves have decided to follow ⁱⁿ OA No.3377/2001 supra and have stated that no recovery is to be effected on excess amount from the applicant, the OA is disposed of in view of the statement made by the respondents by rejecting the request of the applicant for quashing the impugned order and by directing the respondents not to recover excess amount as decided by them. No costs.

S. Raju

(Shanker Raju)
Member(J)

/rao/