

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.532/2018

This the 19th day of February, 2020

Razi Anwar Shaikh
S/o. Tajammul Husain Sheikh
Aged about 66 years, Retired
Add. Gocia Manzil, Mahakali Society
Opp. Om Shanty School,
Nr. Krishna Diary, Bhagwati Para Road,
Rajkot – 360 001. Applicant
(By Advocate : Ms. K.L.Kalwani)

VERSUS

1. Department of Telecommunication
Office of Controller of Communication Accounts
Gujarat Telecom Circle
7th Floor, P&T Administrative Building
Khanpur, Ahmedabad 380 001.
2. Bharat Sanchar Nigam Ltd.
Through the General Manager
BSNL, Rajkot Telecom District
Lohanagar, Telephone Exchange Building
Rajkot 360 001.
3. Sub Divisional Manager (BKT)
O/o. DE (E/M) BKT Exchange
Rajkot – 360 001. Respondents.
(By Advocate : Ms.R.R.Patel)

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Notice of this OA was issued on 12.12.2018 but no reply has yet been filed by the respondents. Today, learned counsel, Ms. R.R.Patel who is appearing for respondents made a categorical statement at Bar that as per settled legal proposition, respondents are not going to affect the

recovery and that when respondents are not going to affect recovery and thus the grievance of the applicant being not survived, the OA may be disposed of. She added that she had been instructed by respondents to give such statement. Learned counsel, Ms. K.L.Kalwani appearing for applicant of the OA urged that taking note of statement that no recovery of this amount of Rs. 32759/- would be affected by the respondents, she in change circumstances, does not want to pursue this OA and the same may be disposed of as withdrawn.

2. Considered the submissions. The applicant is a pensioner and due to change of CDS Scale to IDA Scale, pension allotted to him was revised w.e.f. 01.03.2011 and vide Order dated 07.03.2018 (Annexure A-1), amount of overpayment of Rs. 32759/- was shown to be recoverable from him. Being aggrieved by said order and the order dated 20.07.2017 (Annexure A-2), which also based upon order dated 07.03.2018, the applicant preferred instant OA challenging and assailing the recovery. Having taken note of entirety, the OA stands disposed of as withdrawn.

(M.C.Verma)
Member (J)