

**Central Administrative Tribunal
Madras Bench**

OA 310/01218/2019

Dated Wednesday the 6th day of November Two Thousand Nineteen

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

G.Nagaswamy IFS (Retd),
Plot No. 9, Rajiv Gandhi Nagar,
Edamalaipatti Pudur, Trichy 620012.Applicant

By Advocate **M/s. S. Vijayashanthi**

Vs

1. Government of Tamil Nadu,
rep by Secretary to Government,
Environment & Forest Department,
Secretariat, Chennai 600009.

2. The Principal Accountant General (A & E),
Tamil Nadu, Chennai 600018.

3. The District Treasury Officer,
Trichy.Respondents

By Advocate **Mr. V. Kadirvelu (R1)**

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records of 3rd respondent in Pro. Na. Ka No. 10574/2018/G2 dt. 13.06.2019 to quash the same in so far as it relates to recovery of Rs. 14,35,524/- from the applicant and to issue consequential directions to the respondent to refund with interest to the applicant the amount recovered from him and pass such further or other orders as this Hon'ble Tribunal deems fit and thus render justice.”

2. When the matter is taken up for hearing, learned counsel for the applicant submits that the applicant had earlier filed an OA 875/2018 challenging the revision of pension and order of recovery before this Tribunal. This Tribunal by an order dated 31.01.2019 directed the respondents “to deal with the matter in accordance with the law laid down by the Hon'ble Supreme Court with regard to recovery alone and pass a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order”. But before passing the speaking order, the Treasury Officer, Trichy is now trying to recover the amount from the pension of the applicant on the basis of a letter issued by the State Accountant General dt. 20.04.2018 which is prepared before the date of passing of the order dt. 31.01.2019 by this Tribunal.

3. In view of the above submission made by the learned counsel for the applicant and taking into account the order passed by this Tribunal in OA 875/2018, we deem it appropriate to direct the 3rd respondent, Treasury Officer not

to recover the alleged excess payment from the monthly pension of the applicant till the competent authority passes a speaking order based on the direction issued by this Tribunal on 31.01.2019 in OA 875/2018.

4. OA is disposed of with the above directions.

(T. Jacob)
Member(A)
AS

06.11.2019

(P. Madhavan)
Member (J)