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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.497/2019

Date of Decision: 18.02.2020.

CORAM: R. VIJAYKUMAR, MEMBER (A)

Mr. Peter John Nediamukal
 S/o Shri John Nediamukal,
 Age about 82 years, Office
 Superintendent Gr.I (Retd.) from
 the Office of Chief Workshop Manager
 Matunga, Central Railway Station,
 Mumbai 400 019.

R/at House No.99, Fatima Bai Chawl,
 Dharavi Main Road, Dharavi Koliwada
 (N) Mumbai, Maharashtra 400 017.

... *Applicant*

(By Advocate Shri S.K. Tripathi)

VERSUS

1. General Manager, through
 PFA (Pension) 3rd Floor, New
 Admn. Bldg., Chhatrapati Shivaji
 Maharaj Terminus, Central Railway,
 Mumbai 400 001.

2. Chief Workshop Manager,
 Through Workshop Accounts Officer,
 Carriage Workshop, Matunga,
 Mumbai 400 019.

3. The Branch Manager,
 Bank of Baroda, Chandawarkar Lane,
 Matunga, Mumbai 400 019.

... *Respondents*

(By Advocate Shri R.R. Shetty)

ORDER (Oral)

Per : R. Vijaykumar, Member (A)

Heard Shri S.K. Tripathi, learned
 counsel for the Applicant and Shri R.R.
 Shetty, learned counsel for the Respondents.

2. This OA has been filed on 19.07.019 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8.a) To call for the records and documents in possession of the respondents pertaining to the matter of application.

b) To direct the respondents to further direct their pension paying agency Bank to stop recovery of alleged over payment, from the pension of the applicant.

c) To direct the respondents to restore pre-revised pension of Rs.23720 as replacement Grade Pay Rs.4600 with 20% weight age of old age additional amount instead of incorrect revised Grade Pay of Rs.4200 (Rs.21800) now being paid – recoveries.

d) To direct the respondents to refund the amount already recovered from the pension of the applicant.

e) Any other relief, this Hon'ble Tribunal may kindly deem fit to be granted.

f) Cost of this OA may kindly be saddled on the respondents."

3. The Applicant who retired prior to 2006 was originally in the 5th Pay Commission of Grade Pay of Rs.6500-10500 and during the 5th Pay Commission, this scale was merged with the next Pay Scale of Rs.7450-11500 and fixed with the Grade Pay of Rs.4600/-. Subsequently, after the 7th Pay Commission

orders were issued, the respondents have amended the PPO in the case of the applicant which is now enclosed as Annex. A-2 by adopting the Grade Pay of Rs.4200/- under the 6th Pay Commission. However this Grade Pay had itself been revised after acceptance of the orders of the 6th Pay Commission and had been set at Rs.4600/- as explained above.

4. The Respondents have filed their reply today and at para 10 of their reply they have submitted as follows;

“...10. With reference to para 5.1 to 5.9 of the OA, it is respectfully submitted that under basis of aforesaid submission and some lapse on the part of respondent the recovery of excess pension seems to be incorrect. However, re-verification of due pension is under process and the paid pension will be rectified accordingly in accordance with the Ministry of Personnel, Public Grievances & Pensions O.M. dated 04.01.2019 read with Railway Board's letter No.RBE No.17/2019 dated 04.02.2019, both of which are enclosed herewith and marked as Annex. R.2 & R.3.”

5. Learned counsel for the respondents was heard on the issue. He submits that they are in the process of correcting the action taken by the Bank and issuing specific order including the pension order so that the applicant gets his due pension in accordance with the prayers made out in

the application. Learned counsel for the respondents also submits that whatever recoveries have been made shall be promptly refunded to the applicant through his appointed banker.

6. It is, accordingly directed that the respondents shall act on the orders already received by them and pass appropriate orders and issue a fresh PPO within a period of four weeks and in two weeks thereafter, they shall also issue the refund due to the applicant. In the event that such refunds are not made within the stipulated time, applicable interest at GPF rate shall be payable to the applicant from date of receipt of a certified copy of these orders.

7. In the aforesaid terms, this Original Application is disposed of without any order as to costs.

(R. Vijaykumar)
Member (A)

dm.

JD 12/2020