



**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.1742/2019

This the 27th day of February, 2020

Hon'ble Mr. R.N. Singh, Member (J)

1. Kiran Devi, aged 72 yrs
W/o Late Sh. R.K. Garg (Retd.) Steno Gr. 'B'
R/o F-18/59, Sector-8, Rohini, Delhi-110085.

(By Advocate : Mr. G.D. Chawla)

...Applicant

Versus

1. Union of India
through its Secretary
M/o Finance, Department of Expenditure
North Block, New Delhi.
2. Pension Sanctioning Authority
Through Under Secretary (Admn.)
Department of Expenditure
M/o Finance, North Block, New Delhi.
3. Pay & Accounts Office
Department of Expenditure
M/o Finance, 235-A, North Block, New Delhi.

.... Respondents

(By Advocate : Mr. Amit Yadav)

ORDER (ORAL)

Mr. R.N. Singh :

Heard the learned counsels for the parties.

2. In the present Application has been filed by the applicant challenging the action of the respondents in reducing the family pension payable to her after the recommendation of the 6th & 7th CPCs were accepted by the Govt.



3. The brief facts, leading to the present OA and as contended by the applicant, are that the late husband of the applicant has joined the services of the respondents on 08.05.1955 as Stenographer Gr. 'B' and he retired on 28.02.1990 on attaining the age of superannuation in the pay scale of Rs. 2000-3500/- and the respondents have issued a Pension Payment Order (PPO) and in terms of the same, she was drawing the pension of Rs. 4396/- per month. The applicant's husband has expired on 24.10.1997. The family pension was granted to the applicant by the respondents in accordance with the relevant rules.

4. Learned counsel for the applicant submits that the respondent no. 3 has issued a letter dated 06.02.2019 (Annexure A-2) informing the applicant that her pension has not been revised by their office and, therefore, she was requested to send a request for doing so along with mobile number, PAN number, Aadhar number and email ID. In pursuance of said letter dated 06.02.2019, the applicant submitted her application dated 08.02.2019 (Annexure A-3), enclosing therewith the desired information and documents, with a request to early revision in the family pension.

5. The applicant's grievance is that in place of revising her family pension keeping in view the recommendations of 6th & 7th CPCs, the respondents have reduced the same, inasmuch as, the applicant has been getting family pension @ Rs. 16,124/- before revision, but after 6th & 7th CPCs recommendations, the same has been reduced to Rs. 14,755.

6. Learned counsel for the applicant argues that that the respondents have reduced the family pension of the applicant and have



started making recovery from her, even without putting her to any show cause notice or even issuing a revised PPO.

7. In response to the notice from this Tribunal, the respondents have filed detailed counter reply. The learned counsel for respondents though does not dispute the factual matrix, however, with the assistance of the said counter reply, he submits that the total amount of family pension has been paid to the applicant by Canara Bank up to January, 2019 to the tune of Rs. 5,40,064/-, whereas the same should have been Rs. 4,94,305/- and thus, an excess payment of Rs. 45,759/- was found excess by the Bank authorities. He further submits that consequent upon the recommendations of 6th CPC, the family pension of the applicant had been revised to Rs. 4796/- plus other admissible allowances, w.e.f. 01.01.2006, and consequent upon the recommendations of 7th CPC, the family pension was revised to Rs. 11280/- plus other admissible allowances w.e.f. 01.01.2016. The learned counsel further adds that after certain clarifications from Department of Pension and Pensioners' Welfare, issued in 2019, consequent upon the fixation of pension/family pension as per the provisions of the recommendations of 7th CPC, the concerned Pay and Accounts Officer, Department of Expenditure has revised the family pension of the applicant to Rs. 16,560/- per month w.e.f. 01.01.2016 with PPO No. 159549000021 dated 18.09.2019 (Annexure A-2). Though the respondents have stated in the said reply that the OA may be disposed of as the matter has been settled down, however, it is not disputed by the respondents that the family pension of the applicant has been reduced and recovery of alleged excess payment has been made. It is also not in dispute that before making the recovery,



no show cause notice has been issued to the applicant. The respondents have also not stated as to how the excess payment has been made to the applicant, more particularly, in view of the fact that the applicant has referred to the annexures, enclosed with the representation dated 08.02.2019, wherein a sum of Rs. 16,124/- has been indicated as the consolidated family pension w.e.f. 01.01.1996 and the last received emoluments w.e.f. 31.01.2019.

8. The applicant has filed rejoinder, wherein he has reiterated the averments made in the OA.

9. I have perused the pleadings on record and also considered the submissions made by the learned counsels for the parties.

10. Once it is not in dispute that recovery of Rs. 45,759/- has been effected from the family pension of the applicant and that too without putting her to any show cause notice, such action of the respondents is not apt in the eyes of law. It is also not indicated by the respondents as to what has been the reason for reducing the family pension of the applicant, who was getting the pension, all along, for the last more than 20 years. The respondents have themselves requested the applicant, vide their aforesaid letter dated 06.02.2019, to make a representation and to give certain documents and particulars to enable them to revise her pension. The applicant has complied with such requirements, with a request to the respondents to revise and enhance her pension. Keeping in view the recommendation of 6th & 7th CPCs, the respondents have reduced the family pension and that too without complying with the principle of natural justice.



11. In view of the aforesaid, the OA is partly allowed. The respondents are directed to restore the applicant's pension to its original rate, and revise the same keeping in view the recommendations of 6th & 7th CPCs. They are also directed to refund a sum of Rs. 45,759/- recovered from the applicant. In case the respondents find that any reduction in the family pension of the applicant is required keeping in view the provisions of rules, they may do so after complying the principle of natural justice.

12. The aforesaid exercise shall be completed by the respondents as expeditiously as possible, and in any case, within six weeks from the date of receipt of certified copy of this order. However, in the facts and circumstances, there shall be no order as to costs.

(R.N. Singh)
Member (J)

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