

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1268/2000

New Delhi this the 21st day of September, 2001.

(2)

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. M.S. Yadav,
S/o Sh. Layak Singh Yadav,
C/o Sh. Harmohan Singh,
13, G.R.G. Road,
New Delhi. Applicant

(through Sh. S.K. Gupta, Advocate)

Versus

1. Union of India through
General Manager,
Central Railway,
Mumbai, C.S.T.,
Mumbai.
2. FA&CAO,
Central Railway,
Mumbai C.S.T.,
Mumbai.
3. Branch Manager,
Punjab National Bank,
Shahganj, Agra. Respondents

(Present : None even on second call)

ORDER (ORAL)

Hon'ble Sh. S.R. Adige, VC(A)

Applicant impugns the recovery of Rs. 15,580/- from his Bank Account No. 8715 maintained in the Punjab National Bank, Shahganj, Agra (Annexure A-1). He also challenges the recovery of Rs. 2,078/- P.M. from the aforesaid account.

2. No reply has been filed on behalf of Respondent No.1 (UOI through GM, Central, Mumbai CST,

Mumbai) and Respondent No.2 (FA&CAO, Central Railway, Mumbai CST, Mumbai) has also not filed reply. A reply has been filed on behalf of Respondent No.3 (Branch Manager, PNG, Shahganj, Agra. (B)

3. On the last of hearing Sh. Kishore Kumar had appeared on behalf of R-3 but none had appeared on behalf of R-1 and R-2. Last opportunity had been given to Respondents No. 1 & 2 to file their reply, but so far no reply has been filed on their behalf.

4. Applicant's counsel Sh. S.K. Gupta has pointed out that the aforesaid deductions have been made from applicant's account maintained in PNB, upon instructions of Respondents No.1 & 2, but no show cause notice was given to him, before the aforesaid deductions were ordered.

5. In the reply by R-3, it has been submitted that the payment of the pension is being made as per PPO receipt from applicant's employer, which did not disclose the fact of commutation of pension by the applicant, but on receipt of the revised PPO which disclosed the fact of commutation by the applicant, the matter was taken up with the applicant, and it was mutually agreed that the excess payment drawn by the applicant as shown by the previous PPO be recovered from his Saving Account.

(A)

6. These assertions are denied by applicant in his rejoinder, who contends that there was no such mutual agreement.

7. In the absence of any reply of Respondents No. 1 & 2, this OA is disposed of with a direction to respondents to restore the sum of Rs. 15,580/- recovered from his account in the month of March, 2000 and also restore the recoveries of Rs. 2,078/- P.M. made from his pension. The amount so recovered from applicant's pension should be credited to his Account within a month from the date of receipt of a copy of this order. If respondents make any recoveries from applicant's retiral benefits, they shall do so only after putting him to notice, giving him reasonable opportunity of being heard, and thereafter pass a detailed, speaking and reasoned order in accordance with law. These instructions should be implemented within a month from the date of receipt of a copy of this order.

8. In so far as applicant's claim of medical allowance is concerned, it will be open to him to agitate the same separately through appropriate original proceedings, in accordance with law, if so advised. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
M(J)

Arfahq.
(S.R. Adige)
VC(A)