

**Open court**

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD

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(This the 23<sup>rd</sup> Day of December, 2020)

**Hon'ble Mr. Devendra Chaudhry, Member (Administrative)**

**Original Application No.330/769/2020**

Kauleshwar son of Late Jaggi Yadav, resident of Village Pandey Ki Fulwari,  
Post Office Mirzapur, Police Station Barhaj, District Deoria.

..... **Applicant**

**By Advocate: Shri Sudhakar Pandey**

Versus

1. Union of India through General Manager, North – Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North – Eastern Railway, Varanasi, Division Varanasi.
3. Assistant General Manager, Centralized Pension Processing Cell, Lucknow Haat Building, Vibhuti Khand, Gomati Nagar, Lucknow.
4. Branch Manager, State Bank of India, Branch Barahaj, District Deoria.

..... **Respondents**

**By Advocate: Shri Pramod Kumar Rai**

**ORDER**

**Delivered by Hon'ble Mr. Devendra Chaudhry, Member (A)**

The undersigned has joined this Single Bench online through video conferencing.

2. Shri Sudhakar Pandey, counsel for the applicant and Shri Pramod Kumar Rai, counsel for respondents, both are present in court.

3. Heard learned counsel for both the parties at length on issue of recovery from pension of the applicant. The learned applicant's counsel has vociferously argued that illegal and wrongful recovery is being made from the pension of the applicant and there is no notice on the same prior to the sought of recovery. This is denial of opportunity in respect of financial loss for no reasons thereof. The applicant has represented vide 07<sup>th</sup> October 2020 on the matter and in spite of passage of more than two months no decision has been taken and the recovery is being proceeded at fast place. Accordingly, it is prayed that the representation may be decided and recovery be stayed, *inter alia*, on account of the Hon'ble Apex Court judgment and order in the matter of State of Punjab vs. Rafiq Masih.

4. Learned respondents' counsel is opposing the same and submitting that no recovery has been ordered by the respondent Nos. 1 or 2 and it is a Bank, perhaps is doing recovery on account of some erroneous payment to which the respondents is not aware of.

5. Taking an overview of the entire circumstances and given the fact that learned respondents' counsel has asserted that there is no recovery order from the respondents' side on the matter against the applicant has also the fact that there is continued confusion as to how this recovery has taken birth, therefore it is directed that the representation dated 07<sup>th</sup> October, 2020 be decided forthwith within a period of four weeks on the receipt of certified copy of this order because already eight weeks have elapsed. There is no reason why

the respondents should not decide the representation expeditiously. Also since the *raison d'etre* of a recovery is not clear, accordingly keeping in mind the judgment and direction of Hon'ble Apex Court in Rafiq Masih's case (supra), the interim relief with respect to the stay of the recover till the disposal of the representation dated 07<sup>th</sup> October, 2020 is also stayed. The copy of order on the representation be communicated to the applicant forthwith in the given time period.

6. The OA is accordingly disposed off finally with the above direction at the admission stage itself.

7. It is made clear that no comments have been passed on the merits of the matter.

8. There shall be no order as to cost.

**(Devendra Chaudhry)**  
Member (A)

Sushil