

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

OA No. 311 of 2019

Present: Hon'ble Mr. Swarup Kumar Mishra, Member (J)

1. Sri Pradeep Mohakud, S/o Late BalabhadraMahakud
aged about 74 years, At Kana PO-Bahalda Road,
District – Mayurbhanj, Odisha. PIN 757054..

.....Applicant.

VERSUS

1. Union of India, represented through the General
Manager, East Coast Railway, Rail Sadan,
Chandrasekharapur, P.O: Mancheswar, Bhubaneswar,
District; Khurda, Odisha, PIN No. 751016.
2. The Divisional Railway Manager, E. Co. Railway,
Sambalpur, PO Sambalpur, Dist. Sambalpur, Odisha,
PIN No. 768001.
3. The Sr. Divisional Personnel Officer, E. Co. Railway,
Sambalpur, PO Sambalpur, Dist. Sambalpur, Odisha,
PIN No. 768001.
4. The Sr. Divisional Finance Manager, E. Co. Railway,
Sambalpur, PO Sambalpur, Dist. Sambalpur, Odisha,
PIN No. 768001.
5. The Manager, BOI, CPPC, 87 A, 6th Floor, BOI,
Building Gandhi Baug, Nagpur, PIN 440002.

6. The Branch Manager, Bahalda Branch, At/PO-
Bahalda, Dist. Mayurbhanj, Odisha, PIN 757046.

.....Respondents.

For the applicant : Mr. B. Swain, Advocate.

For the respondents: Mr. D. K. Mohanty - A, Advocate.

Mr. S. K. Behera, Advocate

Heard & reserved on :16.11.2020

Order on :07.12.2020

O R D E R

Per Mr. Swarup Kumar Mishra, Member (J)

The applicant by filing this OA under section 19 of the Administrative Tribunals Act, 1985 has prayed for the following reliefs:-

- (i) *To direct the respondents to pay the pension to the applicant @ Rs. 10,450/- p.m. w.e.f. 01.01.2016 and pay the arrears with interest.*
- (ii) *For payment of cost as the Hon'ble Tribunal thinks reasonable.*
- (iii) *Any other direction/directions as would be deemed fit and proper in the circumstances of the case.*

2. The case of the applicant as averred in the OA in brief is that he retired from railway service due to superannuation w.e.f. 31.05.2005. His pension was sanctioned vide PPO dated 22.07.2005 (Annexure A/1) and he was drawing his pension through Bank of India, Bahalda Branch, Mayurbhanj. The applicant submitted true copy of bank pass book (Annexure A/2) to show that he received Rs. 9800/- monthly pension plus dearness relief in the month of July 2016, Rs. 10,860/- in the month of August 2016, Rs. 10,360/- in September 2016 and Rs. 10,450/ in the month of October 2016 which continued till February 2018 but without any reason Respondent No. 6 reduced the pension to Rs. 9141/- in March 2018, Rs. 8865/- from April 2018 and further reduced to Rs. 7626/- from the month of November 2018

which is continuing. The applicant submitted that he tried to know from Respondent No. 6 the reason for reduction of his pension and his oral statement was that they are crediting the pension according to the advice of the higher authorities. The applicant then made a written application dated 02.09.2018 (Annexure A/3) and sought information under RTI from Respondent No. 6 but no information was made available to him. The applicant then submitted an application dated 02.09.2018 (Annexure A/5) to railway authorities who in response had advised vide letter dated 30.10.2018 (Annexure A/6) that the applicant's revised pension had been issued on 07.06.2018 and as per the said order applicant's revised pension from 01.01.2016 was fixed at Rs. 10,450/-. The applicant further submitted that inspite of advice of the pension sanctioning authority Respondent No. 5 & 6 are not restoring his pension.

3. The Respondent Nos. 1 to 4 in their short counter/reply inter alia averred that in the letter dated 30.10.2018 of DFM/SBP addressed to bank of India with copy to the applicant, it was intimated that commuted portion of pension shall be restored on attainment of 75 years of age or completion of 15 years from the date of retirement whichever is earlier and as per the 7th CPC revised PPO the applicant's monthly pension has been refixed @ Rs. 10,450/-. They further submitted that the issue is related to Bank Authority for which the railway respondents have nothing to comment.
4. Respondent Nos. 4 & 5 (Bank Authority) had appeared on 19.07.2019 and submitted that they have explained the situation under which the pension has been reduced i.e. due to commutation of pension. They were allowed to file short reply but they did not file any reply or counter despite several opportunities.

5. It is seen that effective steps were taken by Respondent Nos. 1 to 4 in intimating and requesting the concerned bank authorities i.e. Respondent No. 5 & 6 regarding the revision of pension w.e.f 01.01.2016 as seen from letter No. Sr. DFM/SBP/PEN/PRADEEP/896 dated 30.10.2018 (Annexure A/6 of the OA). The pension at revised rate has not yet been paid by the bank to the applicant. In the above circumstances we find that the Respondent Railway Department is not at fault and they have not committed any irregularity or illegality in the matter. But the inaction of the concerned bank in this regard is writ large. They did not respond to intimation sent to them by the Respondent railway department and also did not prefer to file any reply to apprise about the present situation. Since the said bank is not amenable to the jurisdiction of CAT, therefore, no adverse order can be passed and said bank cannot be directed by this Tribunal to take any particular step in this regard. Accordingly, the applicant if so advised take necessary steps against the said bank in accordance with law for seeking relief in question.
6. The OA is accordingly disposed of but in the circumstances without order to cost.

(SWARUPKUMAR MISHRA)
MEMBER (J)