

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00424/2020

Monday, this the 14th day of September, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

C.T. Baiju, 57 years, S/o. C.K. Thankappan,
 Retd. Loco Pilot (Mail), Palakkad Division,
 Southern Railway, Residing at Nandanam,
 SL Puram, Cherthala, Alapuzha – 688 523,
 Mob: 9447333452.

..... **Applicant**

(By Advocate : Mr. U. Balagangadharan)

V e r s u s

1. The General Manager,
 Southern Railway, Park Town,
 Chennai – 600 003.
2. The Chief Personnel Officer,
 Southern Railway, Head Quarters,
 Park Town, Chennai – 600 003.
3. The Senior Divisional Personnel Officer,
 Divisional Office, Palakkad Division,
 Palakkad – 678 501.
4. The Divisional Railway Manager,
 Palakkad Division, Palakkad – 678 501. **Respondents**

(By Advocate : Mr. Sunil Jacob Jose)

This application having been heard on 14.09.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard the learned counsel appearing for the parties through video conferencing.

2. The applicant who retired from the post of Loco Pilot (Mail) on 31.7.2019 is aggrieved by the memorandum issued after his retirement alleging over-payment with regard to his fixation of pay taken place about 14 years back without notice leading to recovery of Rs. 1.54 lakhs from his terminal benefits in violation of the apex court judgment in ***State of Punjab & Ors. v. Rafiq Mashish (Whitewasher) etc.*** - 2015 (4) SCC 334. He has filed this OA seeking reliefs as under:

- “i) *Call for the records leading to Annexure A4 and set aside the same as illegal, arbitrary, violative of principles of natural justice and cannot sustain in the eye of law.*
- ii) *Direct the third respondent to repay the entire amount withheld from the applicant pursuant to Annexure A4 with interest.*
- iii) *Direct the third respondent to revise the pension, DCRG, CVP and such other benefits ignoring Annexure A4 and disburse the monetary benefits flowing therefrom;*
- iv) *direct the third respondent to continue to pay House Rent Allowances to the applicant from February 2020 onwards without break.*
- v) *Declare that the no amount is liable to be recovered from the applicant pursuant to Annexure A4; and*
- vi) *Such other reliefs that the Hon'ble Tribunal deem fit in the facts and circumstances of the case.”*

3. When the matter came up for consideration today, learned counsel for the applicant submitted that he has given representations Annexures A5 & A6 to the respondents which are still pending consideration with the respondents. The applicant will be satisfied if the above representations are considered by the respondents in the light of relevant rules and regulations.

4. Learned counsel for the respondents submitted that they have no objection in considering and disposing of the representations filed by the applicant.

5. **In view of the limited relief sought by the applicant, without going into the merits of the case, the competent authority is directed to consider Annexures A5 & A6 representations filed by the applicant in the light of relevant OMs, circulars, rules and regulations and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.**

6. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

**(K.V. EAPEN)
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)
JUDICIAL MEMBER**

“SA”

Original Application No. 180/00424/2020**APPLICANT'S ANNEXURES**

Annexure A1 – True copy of pay slip for the month of August/Sep 2008 of the applicant.

Annexure A2 – True copy of pay slip for the month of Sep/August 2008 of the applicant.

Annexure A3 – True copy of the pension payment order dated 18.10.2019 issued to the applicant.

Annexure A4 – Memorandum No. J/P 524/V/PR/Mech.running/Vo;IV dated 26.9.2019 issued by the 3rd respondent.

Annexure A5 – True copy of the representation submitted by the applicant to the 4th respondent dated 16.12.2019.

Annexure A6 – True copy of reminder representation submitted by the applicant to the 4th respondent dated 18.6.2020.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-