

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 2245/1990

Date of decision: 18.09.1992.

Shri K.S. Narayana

Applicant

Vs.

Union of India & Others

Respondents

For the Applicant

None

For the Respondents

Shri O.N. Trishal,
Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The short point for consideration is whether the respondents are legally entitled to effect any recovery from the relief on pension admissible to a retired Government servant.

2. We have gone through the records of the case and have heard the learned counsel for the respondents. The case was listed for directions on 20.08.92 and 30.08.92 but none appeared on behalf of the applicant. The learned counsel for the respondents was, however, present.

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3. The facts of the case in brief are as follows. The applicant retired as Senior Personal Assistant from the Department of Food in February, 1989 under the Voluntary Retirement Scheme. The respondents have recovered a sum of Rs. 253/- per month from the pension payable to the applicant on account of arrears of House Rent dues. He has prayed that the respondents be directed to refrain from making any recovery or deduction from his pension/relief on pension and also refund to him immediately in so far as the amount recovered or deducted from the pension/pension relief together with interest.

4. On 16.4.1991, the Tribunal had passed an interim order directing the respondents not to effect any further recovery from the pension/relief on pension payable to the applicant towards any alleged outstanding dues. The interim order has thereafter been continued until further orders.

5. The case of the respondents in brief is that the applicant did not produce 'No Demand Certificate' from the Directorate of Estates and he has not cleared the licence fee for the occupation of Government accommodation. The recoveries relate to the unpaid dues of the Assistant Estate Manager, Ministry of Urban Development, Faridabad.

6. In our view, the respondents are not within their rights to effect any recovery from the pension or relief on pension. In Beni Prasad Vs. Union of India & Others,

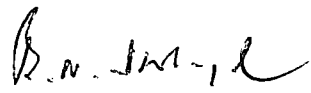
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AIR 1987(2) CAT 205, this Tribunal has observed that dearness allowance relief granted to pensioners is primarily intended to offset high rise in prices and cost of living. It is, in fact, the depreciated value of the rupee that is sought to be compensated by granting the relief to a pensioner. It is, thus, in fact part of the pension. It is an amount paid for services already rendered. If a person is entitled to receive pension, he will also be entitled to receive R.I.P. Without pension there could not be any payment by way of R.I.P. Relief in pension in all respects is part of pension. The aforesaid view was reiterated in the judgment of this Tribunal in R.D. Sharma Vs. U.O.I. & Others, 1989(1) SLJ (CAT) 61, wherein the Tribunal observed that relief in pension is an essential element of pension. The Tribunal also observed that in the absence of any specific rule in the Pension Rules empowering the Government to effect recovery from relief in pension on account of outstanding dues, it will be legally ^{im}permissible to effect such recovery.

7. In the light of the foregoing, we are of the opinion that the applicant is entitled to succeed in the present application. Accordingly, we direct that the respondents shall not make any recovery or deduction from the pension or relief on pension admissible to the applicant on account of

any outstanding Government dues. If any amount has so far been deducted from his pension or relief on pension, the same shall be refunded to him together with interest at the rate of 12% per annum. The respondents shall comply with the above directions expeditiously and preferably within a period of 3 months from the date of receipt of this order. The respondents will, however, be at liberty to take appropriate steps in accordance with law for recovery of Government dues, if any, payable by the applicant.

There will be no order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
18.09.1992


(P.K. KARTHA)
VICE CHAIRMAN (J)
18.09.1992

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