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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO.1319/2004

New Delhi, this the 27th day of May, 2004

HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

Smt. Lila Wati,
Widow of :
Late Shri Shyam Lal,
A-99, Sham Park (Extn),
Sahibabad (UP) ... Applicant
(By Advocate : Shri B.S. Mainee)

Versus

Union of India : Through

1. The General Manager,
Northern Railway,
Baroda House, New Delhi
2. The Financial Adviser &
Chief Accounts Officer (F.A. & CAO),
Northern Railway,
Baroda House, New Delhi
3. The Sr. Divisional Accounts Officer,
Northern Railway, D.R.M. Office,
State Entry Road,
New Delhi ... Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. This OA has been filed by the applicant against the reduction of her family pension from Rs.2393/- to Rs.1723/- per month without giving any reason or show cause notice. In support of her case, the learned counsel has drawn attention to the relevant extracts of pages 9 to 11 taken from the Pass Book of the applicant which show that she was in receipt of family pension @ Rs.2393/- in February, March and April, 2002, whereafter the said amount had been reduced to Rs.1723/- and then to Rs.1459/-. The amount of pension has continued to be shown differently in the subsequent months as recorded in the pass book.

Sarweshwar Jha

67

3. The grievance of the applicant is that no notice had been served on her before the said reduction has been effected by the concerned authority in her family pension. They have also not assigned any reason for the same. She has submitted representations in the matter to the Divisional Accounts Officer, Northern Railway, New Delhi, copies of which are placed at Annexure A-5 to the OA. There has been no reply from the Divisional Accounts Officer in the matter till date.

4. On examination of the facts as submitted in this OA, it is observed that the family pension of the applicant @ Rs.2393/- per month has been reduced without assigning any reason. It is a serious matter and the respondents should have looked into the same immediately on receipt of the representation of the applicant in the matter.

5. Considering the facts and circumstances of the case and also seeing the seriousness of the lapse which has been committed by the authorities concerned in reducing the family pension of the widow without assigning any reason or without serving any notice on her, this OA is disposed of at the admission stage itself without awaiting any reply from the respondents with a direction to them to look into the matter and consider the representations as are already pending with them including this Original Application, treating it as another representation filed by the applicant, and to do the needful by issuing a reasoned and speaking order

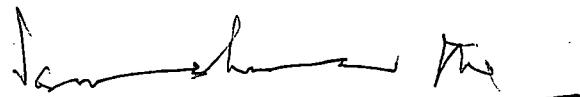


within three months from the date of receipt of a copy of this order.

6. The learned counsel for the applicant has submitted that as per the decision of the Hon'ble Supreme Court, no amount can be deducted from the family pension without serving a show cause notice or without following due process of law. He has, therefore, submitted that in the present case the respondents would need to be restrained from reducing the family pension of the applicant till such time they have looked into the matter and corrected the mistake, if any, committed at any stage by any of the authorities concerned. I have considered this aspect of the matter. Finding nothing on the record as to what has led to the reduction of the family pension of the applicant, I direct the respondents to restore the amount of family pension in respect of the applicant till such time they ^{have} ~~looked~~ into the matter as directed above and disposed ^{of} ~~of~~ within the period as given above.

7. With this, the OA stands disposed of.

Issue Dasti.



(Sarweshwar Jha)
Member (A)

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