

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

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OA. No. 1001 of 1993

Dated New Delhi, this the 1st August, 1994

Hon'ble Shri B. K. Singh, Member (A)

Shri C. B. Aggarwal  
R/o B-38, Jeevan Niketan  
(L.I.C. Colony)  
New Delhi-110041

... Applicant

By Advocate: None

(Applicant in person)

VERSUS

1. Pay & Accounts Officer  
Central Pension Accounting Office  
274, Shaheed Capt Gaur Marg  
Srinivas Puri  
NEW DELHI-110065

2. The Senior Manager  
CANARA BANK  
Rajouri Garden  
New Delhi-110027

... Respondents

By Advocate: Shri Vijay Kumar  
for Respondent No.1

Shri S. S. Sharma,  
for Respondent No.2

(Departmental Representative,  
Shri Kuldip Singh, on behalf  
of Respondent No.2).

ORDER  
(Oral)

Shri B. K. Singh, M(A)

Heard the applicant in person and the learned counsel  
representing Respondent No.1 (Govt. of India) and  
Respondent No.2 (Canara Bank).

*B* Though there is no notification under sub-  
Section (2) of Section 14 of the Administrative  
Tribunal Act, 1985 bringing nationalised banks,  
of which the Canara Bank is one, under the  
jurisdiction of the Central Administrative Tribunal  
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and this matter squarely relates to the excess payment of D.A. portion of pension by Canara Bank which was asked to give a statement of the details of excess payment which has since been received. There is a detailed order dated 4.2.94 which also states that the learned counsel representing Respondent No.2 was good enough to concede that his client was agreeable to deduct Rs.500/- per month only with a view to recover the excess amount within a reasonable time, and to avoid hardship to the pensioner who is the applicant in this case. The details of the amount have since been given as directed by the Tribunal on 4.2.94.

2. The learned counsel representing Respondent No.2 has stated that while paying D.A., they forgot to take into consideration the commuted value of pension and paid the D.A. not on the basic pension but taking the amount after commutation as the basic pension and this gave the advantage of a higher percentage of D.A. to the applicant.

3. The learned counsel representing Respondent No.1 stated categorically that Government of India is not concerned because once the P.P.O. is issued to a pensioner, it only issues general orders and the copies of which are marked to A.Gs., nationalised banks and other disbursing agencies whom the pensioners nominate as their disbursing agencies. Such general orders are

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published in the gazette notification about all raises in respect of pay/pension. As such, it is only the disbursing agencies which have to take into consideration their basic pension and not what they draw after commutation.

4. The Respondent No.2 has already submitted a Chart showing the excess amount paid to the applicant by ignoring the basic pension and taking the commuted pension as the basic pension.

5. The applicant undertakes to refund the amount due to him without taking into consideration the commuted value and he will be liable to refund the difference thereof after he tallies his statement of account with the calculations made by the Canara Bank which has been nominated as the disbursing agency by the applicant. It is presumed that Canara Bank will stick to its undertaking given before this court on 4.2.94 that they will not deduct the entire amount in one lump sum, but restrict the same to an amount of Rs.500/- per month so that substantial part of pension is drawn by the applicant to sustain himself and his family.

6. The applicant is directed to furnish the details of difference of increased D.A. amount paid to him ignoring the commutation. After this exercise has been

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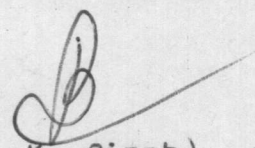
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gone through, it is presumed that nothing will survive in the O.A.

7. This exercise must be completed within three months from the date of receipt of a certified copy of this order.

8. With these directions, this OA is disposed of finally, but with no order as to costs.

  
(B. K. Singh)  
Member (A)

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