

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.1022/93 *bw*

New Delhi this the 3rd Day of November, 1993.

HON'BLE SH. B.N. DHOUNDIYAL, MEMBER(A)

Sh. N.C. Mehra
son of Sh. Bhola Ram
resident of 3/9 Kalkaji
Extension, New Delhi-19. Petitioner

(Petitioner in person)

versus

Union of India,
Ministry of Personnel,
Public Grievances and Pensions,
Department of Pension & Pensioners' Welfare,
Welfare, 3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi-110003. Respondent

(By Advocate Sh. N.S. Mehta, Sr. Standing Counsel)

ORDER (ORAL)

The applicant retired as Pay & Accounts Officer in 1971 and his case for commutation portion of pension was settled long after his retirement. Restoration of the commuted portion of the pension was allowed to him after 15 years of retirement. Some time later, a clarification was issued that the commutation portion of the pension would be restored 15 years after the date of commutation. However, it was clarified that old cases would not be reopened. The respondents however effected recoveries from his pension. His case was reopened and some recovery was made. He has prayed for restoration of Rs.970/- made from his pension on 24.9.90 and Rs. 466/- made on 29.10.90 from the pension of October, 1992 alongwith interest.

I have heard the learned counsel for the parties. The facts of the case are clear and the deductions have wrongly been made due to misapplication of

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the provisions of the afore mentioned O.M. The applicant is, therefore, entitled to succeed. The respondents are directed to refund an amount of Rs.1,436/- to the applicant alongwithin 10% interest calculated from the date of deduction of the said instalment to the date of actual payment.

With the above observations, the O.A. is disposed of finally. No costs.

B.N. Dhundiyal
(B.N. Dhundiyal) 3/oe/93
Member(A)

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