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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 8th day of November 2000.

Original Application no. 1023 of 1997.

Hon'ble Mr. S.K.I. Naqvi, Member (J)

Anand Shanker Pandey,
S/o Late Chandra Shekhar Pandey,
R/o Nai Basti Sahadatpur (Band Nagar
Colony), Mau.

... Applicant

C/A Shri Anil Kumar

Versus

1. The Union of India through Divisional
Railway Manager, (personnel), North Eastern
Railway, Varanasi.
2. The Divisional Railway Manager(Engineering)
N.E. Rly., Varanasi.
3. The Assistant Divisional Accounts Officer,
N.E. Rly., Varanasi.

... Respondents

C/Rs Shri G.P. Agarwal

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O R D E R (Oral)Hon'ble Mr. S.K.I. Naqvi, Member-J.

Shri A.S. Pandey, the applicant, being aggrieved of non payment of retiral settlement has filed this O.A. with the prayer that order dated 05.09.97 passed by respondent no. 3 be quashed and the respondents be directed not to recover any amount from the pension of the applicant, being contrary to the provisions of para 2308 of T.R.E.M. Vol. II.

2. The respondents have contested the case mainly on the ground that during the service tenure of the applicant a sum of Rs. 69,995/- was deducted from the salary of the applicant and another sum of Rs. 65,010/- was deducted from DRCG and Rs. 27,218/- was deducted from leave encashment and instructions have been issued to State Bank of India to deduct a sum of Rs. 3,57,370/- from the pension relief of the applicant. This recovery is being made after the decision of the DAR case, so it cannot be said that the recovery is illegal.

3. Heard learned counsel for the rival contesting parties and perused the DAR records.

3. From the perusal of the pleadings, coming from either side and DAR file, I do not find, there is any

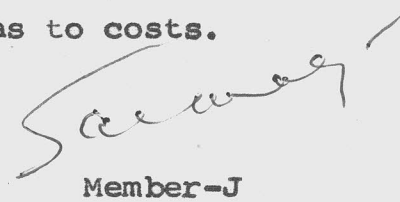
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order from the Competent Authority to effect recovery from the retiral payments of the applicant and, therefore, the same could not have been withheld.

4. For the above the OA is decided with the direction that the respondents to make payment of applicant's retiral benefits, not withstanding the impugned order, within a period of three months from the date of communication of this order. The applicant is also entitled to interest @ 10% p.a. from the date of filing of this OA till this date of order for delayed payment. In case the payment is not made good within three months, as above, he will be entitled to further interest @ 18% p.a.

5. There shall be no order as to costs.



Member-J

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