

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 28th day of November, 2001.

original Application No. 1094 of 1997.

CORAM :-

Hon'ble Mr. C.S. Chadha, A.M.

Shri V.S. Yadava Son of Shri Tej Singh Yadava,
Resident of 460, Chamanganj, Sita Ram's Compound,
Sipri Bazar, Jhansi.

(Sri M.P. Gupta, Advocate)

Applicant
Versus

1. The Union of India through the General Manager, Central Railway, C.S.T. Mumbai (Maharashtra).
2. The Divisional Railway Manager, Central Railway, Jhansi (U.P.).

(Sri G.P. Agrawal, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. C.S. Chadha, A.M.

The case of the applicant is that he was working as a Loco Inspector, Central Railway, Jhansi and retired on 30-9-1994 when his basic pay was Rs.3500/- per month but just prior to retirement he was given a statement of payment dated 30-9-1994 stating that he had been overpaid and, therefore, the overpayment was to be deducted. The pay was revised accordingly and pension paid on the basis of revised pay. The applicant represented on 14-4-1997 to the D.R.M. vide Annexure-A-10 stating that his pay has been reduced without giving any reason. The applicant, therefore, requests that the order reducing the pay be quashed and his pay be restored and pension fixed accordingly. However, it appears that this representation was not decided by any speaking order by the department and the pension remained at the lower level because of the pay being considered to be Rs.3200/- per month. It is quite likely

that the department will be able to show reasons for fixing his pay at Rs.3200/- and, therefore, it would not be in public interest to direct the respondent ^{/to revise} his pay at the original level without considering the case on merits and in accordance with rules. The OA is allowed partially and the respondents are directed to consider the representation made earlier of which a fresh copy can be filed if the applicant so desires, by a reasoned and speaking order as to why the department ~~failed~~ ^{felt} that the applicant was overpaid and his pay could be fixed at only Rs.3200/- per month. Such an order should be passed within four months from the date of receipt of a copy of this order. The OA is disposed of accordingly. There shall be no order as to costs.

Order
Member (A)

Dube/