

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/93/2021

HYDERABAD, this the 12th day of February, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



Smt Karra Meenakshi,
W/o. Late Kara Rama Murthy,
(Retired Railway Guard)
Aged about 89 years,
Occ: House Hold
C/o. Dr. K. Srinivas Sarma,
Subbalakshmi Nagar, TSN Colony,
Visakhapatnam – 530 016.

...Applicant

(By Advocate : Dr. P.B. Vijay Kumar)

Vs.

1. Union of India rep. by
The Chairman Railway Board,
Rail Bhavan, Rafi Marg, New Delhi -110 001.
2. General Manager, East Coast Railways,
East Coast Railway Head Quarters,
Chandrasekhar Road, Bhubaneswar – 751 017.
3. Divisional Railway Manager,
East Coast Railway, Dondaparty JN.
Visakhapatnam.
4. Senior Divisional Finance Manager,
East Coast Railways, Waltair,
Visakahapatnam (AP).
5. The Chief General Manager,
State Bank of India, Hyderabad Circle,
SBI, Head Office, Sultan Bazar, Koti,
Hyderabad – 500 095.
6. Chief Manager, State Bank of India,
Central Pension Processing Center (CPPC),
Amravati Circle, LHO, Gunfoundry,
Hyderabad – 500 001.

7. The Branch Manager,
State Bank of India, Fort Branch,
Vizianagaram.

....Respondents

(By Advocate : Sri S.M. Patnaik, SC for Rlys.)



ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judicial Member)

Through Video Conferencing:

Heard Dr. P.B. Vijay Kumar, learned counsel for the applicant.

“to declare the revised Pension Payment Order No.19847310400126 dated 10.04.2018 issued by the 4th respondent and recovery orders vide proceedings No. CPPC/RAILWAYS /2018/ 1110 dt. 26-07-2018 issued by the 6th respondent and consequential action of the Respondents 5 & 6 in arbitrarily and suddenly reducing the Basic pension amount from Rs.32,493/- in the month of May 2018 to Rs.25,250/- from June 2018 onwards and claiming alleged excess payment recovery of Rs.10,11,438/- and recovery of alleged excess pension paid from 1-1-2006 onwards, in monthly instalments from pension and family pension without any prior notice as arbitrary, illegal and violative of Articles 14, 21 of the Constitution of India and contrary to the DOPT Orders F.No.18/26/2011-Estt. (Pay-I) dated 06-02-2014 and F.18/03/2015 Estt. (Pay-I) dated 02-03-2016 and by setting aside the same direct the respondents to forthwith stop recovery from the Family Pension of the Applicant and forthwith refund the entire illegal recovery amount from pension & Family Pension accumulated till date, re-fix the Applicant's Family Pension based on last drawn basic pension i.e. Rs.32,493/- of her Late husband, pay arrears of difference and pass such other order or orders as it may deem fit and proper in the circumstances of the case.”



2. The applicant is a widow of one Mr. Karra Rama Murthy, who worked as a Railway Guard and retired from service on 28.02.1984. The last pension drawn by the deceased husband of the applicant was Rs. 49,676/-. Suddenly, his pension was reduced to Rs.38,825/- without giving any notice. Feeling aggrieved, the applicant's deceased husband made a representation on 28.06.2018. The applicant also made representation in this regard on 28.08.2020. Till date, these representations have not been disposed of by the respondents. However, they bent upon to recover the amount from the pension of the applicant. As per the judgement passed by the Apex Court in the matter of Rafiq Masih vs. Union of India, recovery from Group.C & Group.D employees cannot be made after five years.

3. On advance notice learned counsel for the Railways Sri S.M. Patnaik put appearance.

4. Heard Dr. P.B. Vijay Kumar, learned counsel for the applicant and Sri S.M. Patnaik, learned counsel for the respondents.

5. After hearing counsel for the parties, this Tribunal is of the view that the respondents may consider and decide the case of the applicant, who is of 94 years. Recovery sought to be made is to the tune of Rs.10,11,438/-, which is a huge recovery. As learned counsel for the applicant stated, the judgment of the Hon'ble Apex Court is in applicant's favour.

6. In view of the above, we decide this OA at the admission stage itself, by directing the respondents to dispose of the representations

within a period of two months. It is needless to say that till the disposal of the representation, the respondents will not recover any amount pursuant to the above said recovery and liberty is also granted to the applicant to re-approach this Tribunal, in case her grievance is not met with. The OA is disposed of accordingly. No order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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