

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

**ORDER SHEET**

COURT NO. : 1  
21.01.2021  
O.A./350/845/2019  
M.A./350/18/2020  
(SB) (FOR I/O)

NIRANJAN MAHATA  
-V/S-  
S E RAILWAY



ITEM NO:15 :  
FOR APPLICANTS(S) Adv. : MR. T.K. BISWAS

FOR RESPONDENTS(S) Adv.: MS. S. CHAUDHURY

Notes of The Registry	Order of The Tribunal
	<p>Mr. T.K. Biswas, Ld. Counsel appears for the applicant and Ms. S. Chaudhury, Ld. Counsel appears for the respondents.</p> <p>2. Ld. Counsel for the applicant would submit that the applicant, an ex-Trolleyman of the respondent authorities had superannuated on 31.1.2005 and his PPO was issued in terms of Annexure A-1 to the O.A. That, thereafter, although the applicant was drawing a pension of an amount of Rs. 23,917/- only, upto the month of October, 2018, from November, 2018, the applicant's pension was reduced to Rs. 16,386/- (Annexure A-4 to the O.A.).</p> <p>Being aggrieved, the applicant approached this Tribunal by filing O.A. No. 350/00327/2009 which was disposed by directing the respondents to consider his representation and the Tribunal further directed that no further recovery should be made from the pension of the applicant till disposal of such representation.</p> <p>Although there is a response from the respondents at Annexure A-7 to the O.A. dated 9.5.2019, it is only interms of a inter office communication between the Bank of India, Jaypur Branch and the respondent authorities and is not a conclusive reply to the representation of the applicant.</p> <p>Ld. Counsel for the applicant would further refer to Annexure M-3 to the M.A. bearing No. 350/00018/2020 to expostulate that although his representation is yet to be disposed of, his pension for June, 2019 would reveal that recovery is in progress.</p> <p>3. Ld. Counsel for the respondents is not able to furnish any instructions that the applicant was either show-caused or that proceedings was initiated or notice was issued to the applicant prior to initiation of such recovery from his pension:</p>

4. Accordingly, the balance of convenience being in favour of the applicant, it is deemed fit to stay further recovery from the pension of the applicant. till the next date of listing.
5. M.A. bearing No. 350/00018/2020 is disposed of accordingly.
6. List on 25.3.2021. Rejoinder be filed in the meanwhile.

  
(DR. NANDITA CHATTERJEE)  
MEMBER(A)

SP