

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD B.N.E.H.C.

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Registration T.A. No. 337 of 1986  
(O.S. No. 31 of 1985)

Bachai     ...     ...     ...     ...     Applicant.

Versus

Union of India,  
and others     ...     ...     ...     Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

is

This is a transferred case, under Sec. 29 of the Administrative Tribunals Act, 1985. The applicant, by means of this application, has prayed that a decree for declaration may be granted in his favour to the effect that he is entitled to pension and other pensionary benefits on the basis of Rs. 390/- as ~~paramonth~~<sup>as his</sup> salary at the time when the applicant retired, and the deduction which has been made from his salary to the tune of Rs. 20/- per month may also be refunded to him. The applicant retired from the Railway service working on the post of Shunter Master on 31.7.1982. His assertion is that his salary was Rs. 390/- per month but Rs. 20/- was deducted from his salary on the ground that he was only entitled to sum of Rs. 370/- per month. A sum of Rs. 700/- was deducted from his salary at the rate of Rs. 20/- per month. Similarly, a deduction was also made from his gratuity on the basis that his salary was Rs. 370/-.

2. The respondents, in their written statement have stated that the applicant was retired from service on 31.7.1982 and at that time his salary was Rs. 370/- and not Rs. 390/- per month. The fixations of pension were made in accordance with Rs. 370/- and a sum of Rs. 416/- were

deducted from the settlement dues as the same was due to the respondent against the applicant. From the records, it appears that on the earlier occasion the Treasury officer was directed to produce the relevant records but he has not taken care to produce the same before the court, so his conduct is censurable. From the assertions made by the applicant, it appears that the applicant was being paid a sum of Rs. 390/- and according to the respondents, the applicant was entitled to get Rs. 370/- per month as salary and that is why deductions were made in excess of salary. From the facts, it appears that no notice of the same was given to the applicant earlier but the deductions continued to be made. The position is still not clear but in view of the conduct of the Treasury Officer, it appears that what the applicant states has got to be accepted. Accordingly, the respondents are directed to pay the applicant all the pensionary benefits including the gratuity at the rate of Rs. 390/- per month, or whatever has been realised may be refunded back to him within a period of 3 months from the date of communication of this order, and unless within this period, the treasury officer satisfies to the Accountant General that the applicant's salary was only 370/- per month and not 390/- per month. A copy of the judgment may be sent to the Accountant General, Finance Secretary and the Director of Treasury U.P. for taking such action as they deem proper against the Treasury Officer, Pratapgarh. The application is disposed of with the above directions. No order as to costs.

*Member (A)*  
Member (A)

Dated: 29.6.1992

(n.u.)

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Vice-Chairman