

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BNEHC.

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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. Sriva-stava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

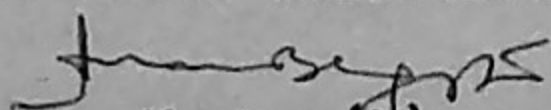
(By Hon. Mr. Justice U.C. Srivastava ,V.C.)

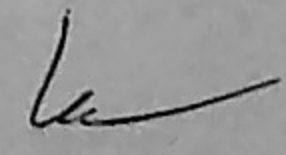
is
This/a transferred case, under Sec. 29 of the
Administrative Tribunals Act, 1985. The applicant, by means
of this application, has prayed that a decree for declaration
may be granted in his favour to the effect that he is
entitled to pension and other pensionary benefits on the
basis of Rs. 390/- ~~as per month~~ ^{as his} 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

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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 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)


Vice-Chairman

Dated: 29.6.1992

(n.u.)