

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ALLAHABAD.

O.A. NO.
TA. NO.

OA 158/90

GF 193

Date of decision--- 23.11.92

..... R-S. Shukla Petitioner

..... shri R-S. Misra Advocate for the petitioner

Versus

..... Union of Indus Lovers Respondent

..... shri K-C. Sinha Advocate for the Respondents

XXXXXXXXXXXX

CORAM :-

The Hon'ble Mr. Justice U.C. Sinha, V.C.

The Hon'ble Mr. ~~Justice U.C. Sinha, V.C.~~

1. Whether Reporters of local papers may be allowed to see the judgment N
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the judgment ? ✓
4. Whether to be circulated to all other Benches ? ✓

Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 158 of 1990

R.S. Shukla

.... Applicant

Versus

Union of India and Ors

.... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

~~Hon. Mr. Justice U.C. Srivastava, V.C~~

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

The applicant retired as Head Master in the Ordnance Factory, Kanour on 1.2.1980. His pensionary benefits were computed and thereafter payments were made to him. According to the applicant he was entitled to a sum of Rs.691/- per month as pension but he is being paid only Rs.604/-. The applicant received a sum of Rs.21162.50p pension from 1.2.80 ~~from 1.2.80 to 1988~~ to 1988. Thereafter he received a letter on 19.4.88 from the respondents for recovery of the amount Rs.3765.60p ~~is~~ alleged to have been paid in excess.

2. The applicant made a representation against the same on 25.9.88 requesting that ~~xx~~ the amount is not to be recovered from his pension. The applicant has challenged the said recovery, obviously no recovery could have been made from the pension.

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3. Sri K.C. Sinha, learned counsel for the respondents contended that the recovery has been made from gratuity and not from any pension but there is no warrant for his contention. The applicant challenged the recovery as well as the short fixation of the pension. In this connection he filed a representation. In case the respondents would have disposed of the representation taking into consideration the plea of the applicant, the applicant would not have been compelled to approach this Tribunal.

4. Accordingly, this application is allowed. The respondents are directed to dispose of the representation dated 25.9.88 within a period of two months by a speaking order particularly on the point as to whether the applicant's pension has been correctly fixed or not and whether the recovery has been made from pension or from gratuity from computed value. Before making recovery it is to be ascertained that whether an opportunity of being heard has been given to him or not. It will be open for the authority to give an opportunity of hearing to the applicant.

5. With these observations, this application stand disposed off finally.


Vice Chairman

Dated: 23rd Nov:1992

(Uv)