

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1649 of 1993

Allahabad this the 02nd day of November, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)

Munni Lal, Son of Sri Rameshwar Prasad, Retired Permanent Way Mistry, Central Railway, Jhansi Division, Resident of - Brijesh Kirtan Mandal, Mohalla - Katra, City & District Banda.

Applicant

By Advocate Shri R.K. Pandey

Versus

1. Union of India through the General Manager, Central Railway, Bombay V.T.
2. Divisional Railway Manager, Central Railway, Jhansi.
3. Senior Divisional Accounts Officer, Central Railway, Jhansi.

By Advocate Shri A.V. Srivastava Respondents

O R D E R ( Oral )

By Hon'ble Mr. S.K.I. Naqvi, J.M.

Shri Munni Lal-applicant retired as Pathway Mistri on 31.7.1992 and after retirement, his retiral benefits were settled, but the applicant has objection thereto, to the effect that in accordance with his entitlement <sup>as per</sup> to last pay drawn, his pension ought to have been fixed at

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Rs.573.33, but it has wrongly been fixed at Rs.478.00, for which he made representations before the respondents, but the same have not been favourably decided, hence he has come up with the prayer for direction to the respondents to fix his ~~pay~~ <sup>per</sup> ~~pay~~ correctly, which comes to Rs.573.33 plus D.A. thereon accordingly. The applicant has further prayed that the respondents be directed to refund the sum of Rs.13,000/- with interest thereon, which as per the applicant, has wrongly been deducted from his retiral dues.

2. The respondents have contested the case, filed counter-reply and pleaded that the applicant was compulsorily retired from service w.e.f. 20.1.1986 in a disciplinary case. However, punishment of compulsory retirement was modified in review and he was taken back on duty as new entrant, but the applicant instead of joining at Chirgaon, challenged that posting order before this Tribunal, which was decided on 29.2.1980 through which his punishment was replaced to that of reduction to the lowest scale of the Permanent Way Mistri for a period of 2 years. Against this order, a S.L.P. was filed by the respondents, which was dismissed by the Hon'ble Supreme Court vide order dated 13.3.1989 and, thereafter, the applicant was posted at Chitrakoot in terms of order of the Court. During this period, it was found that some over payments

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were made to the applicant for having fixed his pay at higher grade. The respondents have also given details regarding deduction from payment made to the applicant at the time of retirement.

3. Heard, the learned counsel for the parties and perused the record.

4. From the facts and circumstances *of the matter* as come out from the pleadings and arguments, placed from either side, it is found that the deductions have been made from the payment to the applicant, as retiral benefit without affording him an opportunity, which is violative of principle of natural justice. It is also quite evident from the pleadings that the amount of pension as being paid to the applicant, needs to be re-examined in the light of pay entitlement as per annexure R.A.-4 dated 18.2.1990.

5. For the above, the respondents are directed to re-examine and fix accordingly the pension of the applicant in the light of annexure R.A.-4 dated 18.2.1990, within a period of four months from the date of communication of this order and if it is found that the applicant is entitled to some arrears under this head, the same be paid within 2 months thereafter.

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6. Regarding deduction of Rs.13,000/- from retiral dues of the applicant, it is directed that the matter be re-examined after giving opportunity of being heard to the applicant.

7. The O.A. is disposed of accordingly with the above observations. No order as to costs.

*See m.m.*

Member (J)

/M.M./