

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.155 of 2003.

Allahabad, this the 25th day of April, 2007.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman

Smt. Bela Devi widow of late Moti Lal,
 Resident of village and post office Charwa,
 Tahsil Chjail, District Kaushambi.

....Applicant.

(By Advocate :Shri S. Dwivedi)

Versus

1. Union of India through the General Manager, Northern Railway Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. The Divisional Personnel Officer, Northern Railway, Allahabad.
4. The Senior Divisional Account Officer, Northern Railway, Allahabad.
5. Branch Manager, State Bank of India, Johnstongang Branch, Allahabad.

...Respondents.

(By Advocate : Shri Gyan Prakesh
 Shri A.K. Dwivedi
 Shri J.S. Pandey

O R D E R

By Hon'ble Mr. Justice Khem Karan, V.C. :

The applicant has prayed for quashing the orders, ~~by~~ ^{by} which her family pension was reduced from Rs.2794.00 to Rs.1938.00 a month, from December,2002 and by which deduction @ Rs.1000.00 a month was directed to be made. It is also prayed that the respondents be directed to refund the amount already deducted from her family pension.

2. On death of her husband Smt. Bela Devi was getting family pension @ Rs.1838.00 + Dearness relief and the Bank continued to ~~disperse~~ it from November, 1996 to November,2002. Perhaps it was full family pension amount.

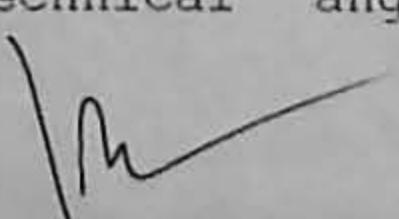
As per rules ~~as~~ expiry of 07 years, from death of her husband, this amount ~~should~~ have been reduced by 1/3. In other words, after November, 1996 it should have been Rs.1275/- a month plus D.R., which the Bank corrected w.e.f. December, 2002, and started deducting @ Rs.1000.00 a month from pension payable to her, for recovering the excess amount of Rs.57,334.00.

3. The applicant is challenging the said reduction in pension as well as ~~recovery~~, recovery @ Rs.1000/-, mainly on the ground that she was not given any notice before that.

4. The respondents have contested the claim. On 24.1.2006, the Bench tried to know from respondents, as to whether any notice was given to the applicant before reducing her pension or before starting recovery @ Rs.1000.00 per month. In reply to this query, the respondents have filed supplementary affidavit saying that letter dated 14.12.2002 was sent to the applicant by Registered Post. They have filed photocopy of the paper on which the endorsement regarding sending of the letter to the applicant made. Shri S. Dwivedi, appearing for the applicant has seriously disputed the correctness of this statement in supplementary affidavit.

5. The respondents NO.1 to 4 have tried to say that the State Bank of India, Jhonstanganj, Allahabad, took no advice from them, before starting recovery @ Rs.1000.00 a month and according it should not have been @ of more than 1/3 of a gross pension.

6. Though Shri S. Dwivedi, learned counsel for the applicant vehemently argues that reduction of monthly family pension from December 2002 and recovery @ Rs.1000=00 a month, ~~is~~ unjustified for want of due notice to the applicant, but I am of the view that matter should not be viewed from legalistic or technical angle but from



7. In the circumstances, the OA is finally disposed of with a direction to the respondent No.5 to make deduction from family pension at the rate of Rs.400.00 a month, instead of @ Rs.1000.00 a month w.e.f the month, following the month in which a certified copy of this order is received to it. No order as to costs. 11

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Vice-Chairman

RKM/