

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

**Original Application No. 861 of 2007**

Thursday this the 30<sup>th</sup> \_\_\_\_\_ day of August 2007

**Hon'ble Mr. K.S. Menon, Member (A)**

Hriday Narain Upadhaya son of Late Surya Nath Upadhaya  
Resident of 9, Maal Godam Road, near Government Hospital,  
Mughalsarai, District: Chandauli, permanent resident of village  
and post Suhaval (Patchailia), District-Ghazipur.

**Applicant**

**By Advocate Sri S.K. Pandey**

**Versus**

1. Union of India through General Manager, East Central Railway, Mughalsarai.
2. The Divisional Railway Manager, East Central Railway, Mughalsarai.
3. Chief Administrative Officer, East Central Railway, Mughalsarai.
4. Senior Divisional Personnel Officer, East Central Railway, Mughalsarai.

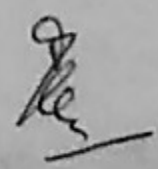
**Respondents**

**By Advocate Sri P.N. Rai.**

**ORDER**

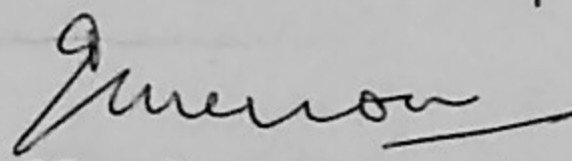
**By K.S. Menon, Member (A)**

The present O.A. has been filed against the Order dated 06.05.2003 by which reduction in the pension of the applicant has been justified by the respondents and recovery is being affected without giving him an opportunity of hearing. The applicant says that the Order is illegal and seeks, it to be quashed. The applicant retired on 31.01.1997. His pension at that time was calculated on the basis of last pay drawn i.e. Rs.2240/- plus 30% running allowance total Rs.3789/-. The respondents by the Order



dated 06.05.2003 communicated the applicant that his pension had been erroneously fixed, and reduced his pension from Rs.3789/- to Rs.3485/- as per recommendation of Vth Pay Commission. Being aggrieved by the said Order, the applicant has submitted several representations to the respondents. The applicant's main contention is that the error in fixation of pension, if any, was at the behest of the respondents and he did not contribute or have any role to play in the said erroneous fixation. Hence, the respondents cannot reduce his pension nor recover the excess amount paid to him. The applicant filed his latest representation in January 2006, which has not been replied to by the respondents so far. Therefore, respondent No.2 is directed to consider this representation alongwith the O.A. and dispose of the same with a reasoned and speaking order within a period of 2 months from the date of copy of the Order is placed before him. The respondent No.2 is also directed not to recover any excess payment till the representation is disposed of.

2. With the above observation, O.A. stands disposed off at the admission stage itself. No order as to costs.

  
**Member (A)**

/M.M./