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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 56 of 1992

Date of Decision: 30.9.1992

Kasinath Rath Applicant

Versus

Union of India & Others Respondents

For the applicant: M/s.B.L.N.Swamy,
N.K.Barik &
S Dash,
Advocates

For the respondents: Mr.Ashok Mishra,
Sr.Standing Counsel
(Central Government)

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C O R A M

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

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MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash Annexures 3 and 4.

2. Shortly stated the case of the petitioner is that the petitioner has retired from service on superannuation with effect from 31.10.1989. Pension of the petitioner has been fixed at Rs.1413/- per month and in addition to the above the petitioner has been made entitled to Rs.848/- per month towards T.I. (Temporary Increase). The petitioner received certain amount ^{from} towards his G.P.F. account and ultimately it was found that there was an overdrawal and hence the petitioner was asked to refund the amount overdrawn, and since the petitioner did not do so, the amount to which the petitioner was entitled towards temporary increase ^{of Pension} was attached and realisation was effected. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that there has been overdrawal of Rs.53,227/- including interest amount ^{ing} to Rs.13,227/-. The concerned authority had rightly called upon the petitioner to deposit the amount overdrawn, and such amount not having been deposited, rightly the amount is being realised from the petitioner ^{from} in regard to the amount of temporary increase in the pension. Therefore according to the opposite parties, the case being devoid of merit is liable to be dismissed.

4. I have heard Mr. B. L. N. Swamy, learned counsel for the petitioner and Mr. Ashok Mishra, learned Sr. Standing Counsel appearing for the opposite parties.

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5. At the initial state there was some dispute regarding the exact amount of overdrawal because the petitioner contended that there ^{were} ~~was~~ certain missing credits and all his contributions to the G.P.F. have not been credited to his account and therefore a fabulous amount is said to have been overdrawn. In an interlocutory order I had directed the opposite parties to file a statement, especially keeping in view the alleged missing credits and it is commendable ~~thing~~ that officers of the Accountant General took all pains to find out the missing credit and a statement to the above effect was filed in the Court which is stated to be 'Revised Ledger Reconciliation for 1989-90 after taking into account all the missing credits'. Therein it is stated that the total amount payable by the petitioner including interest is Rs.45,392/- and without interest the total amount payable by the petitioner is Rs.34,868/-. These figures arrived at by the officers of the Accountant General was not disputed on behalf of the petitioner. Therefore, it is found that the total amount payable by the petitioner is Rs.34,868/- (without interest). Normally the petitioner is liable to pay interest, because of the over~~with~~drawal. But the petitioner ~~has~~ not only to be blamed on this account. Great weight ~~is~~ is attached and bound to be attached to the books of account maintained in the Office of the Accountant General. I cannot conceive the reason for which this overdrawal was allowed by the concerned officers. In addition to the above, one cannot close its eyes to the fact that the petitioner has rendered long service to the department

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and is now a retired Government servant who would solely depend upon his pensionary benefits to sustain himself and the members of his family. In these circumstances, as a special case, (which should not be treated as precedent) the amount of interest levied over the petitioner is hereby quashed and it is directed that the petitioner would pay Rs.34,868/- minus the amount already paid from the ^{amount} account of temporary increase in the pension and this order will remain effective till the entire dues are realised from the petitioner.

6. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

Legal Officer
30.9.92

VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 30th Sept/1992/BKSahoo

