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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR**

**Original Application No. 128/2002**

**Date of Order: 11.11.2003**

Jarnail Singh S/o Sh. Kartar Singh,  
b/c jat Sikh, r/o Ward No. 37,  
Gandhi Nagar, Hanumangarh Jn.  
Retired Machine Shop Mistri,  
Northern Railway at Hanumangarh of Bikaner Division.

....Applicant

**V E R S U S**

1. Union of India through the General Manager  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Personnel Officer,  
Northern Railway, Bikaner.
3. The Divisional Accounts Officer,  
Northern Railway, Bikaner.

The State Bank of Bikaner & Jaipur  
Branch – Hanumangarh through its  
Branch Manager.

..Respondents.

**Mr. H.S. Sidhu, counsel for the applicant.**

**Mr. Kamal Dave, counsel for respondents No. 1 to 3.**

**Mr. V.D. Vyas, counsel for respondent no. 4.**

**CORAM:**

**HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER**

**HON'BLE MR. G.R. PATWARDHAN, ADMINISTRATIVE MEMBER**

**: O R D E R :**

**Per Mr. J.K. Kaushik, Judicial Member:**

1. Heard Mr. H.S. Sidhu, the learned counsel for the applicant as well as Mr. Kamal Dave, the learned counsel for the respondents no. 1 to 3 and Mr. V.D. Vyas, the learned counsel for the respondent no. 4.

2. Mr. H.S. Sidhu, the learned counsel for the applicant has reiterated his pleadings and has submitted that certain unauthorized deductions have been made from the retirement/~~retiral~~ dues which were payable to him in accordance with PPO dated 01.06.1998 in as much as he was entitled to be paid difference of commutation for Rs. 89,873/- whereas only Rs. 55,791/- has been paid to him on 14.11.1998. The applicant had retired on 31.03.1996 and the commuted value was only Rs. 325/- from 01.04.1996 but after 01.11.1998 the commuted value became Rs. 1041/. It seems that the respondents have calculated and deducted the additional commuted value from the date the applicant actually retired i.e. 31.03.1996 instead of the date from which the revised pension was paid to him. Our attention was invited towards the instructions issued in this respect vide Annexure A/6 dated 29.10.1999 and we were taken to para 6 of the instructions, which reads as under:

**“(6) With the revision of pension as per the provisions in para 3 and/or para 5 above, the post 1.1.1996 pensioners who had already commuted a fraction of their pension may be paid the difference of commutation value apply the same commutation factor as was done on the previous occasions and the consequent reduction in basic pension may be effected from the date of payment of the difference. The reduced amount of additional commutation portion of pension may be restored on the expiry of 15 years from the date of reduction.”**

3. It has been contended by the learned counsel for the applicant that an amount of Rs. 34,082 has been unauthorily deducted and the same is infraction of Article 14 of the Constitution of India and also against the specific instruction issued on the subject. It has been next contended that the respondent-bank deducted an amount of Rs. 10400/- from his pension and on his complaint the same was added to his account. It has also been submitted that subsequently the same amount was deducted without any authority. Thus, the respondents be directed to make payment of the said amounts which have been illegally deducted from the applicant.

4. The learned counsel for the official respondents has opposed the submissions made on behalf of the applicant. It has been submitted that the deductions have been made to the tune of Rs. 34,082/- correctly from the revised

amount of pension of the applicant. It is also submitted that regarding deduction etc. of Rs. 10400/-, the official respondents are not aware of it and have not given any instruction to the concerned Bank. He has invited our attention of para 4.8 of the reply wherein the specific Govt. averments have been made to this effect. In this view of the matter, the applicant has no case for interference by this Tribunal.

5. The learned counsel appearing for the respondent bank has vehemently submitted that the bank has disbursed all the amounts which was remitted by the official-respondents and no deductions have been made of its own by the Bank. The applicant earlier filed a Civil Suit which was returned to him by the Civil court for presentation before the appropriate forum but the applicant has not done so and has filed an O.A. In the Civil Suit the applicant has claimed relief regarding payment of Rs. 10400/- and in the present O.A. certain additional claim have been made and this is not permitted under the law. He has submitted that as regards the deduction of Rs. 34,082/-, the deductions have been made as per the instructions received from the official-respondents and as regards the Rs. 10400/- certain mistake had occurred and certain paper adjustments have been done and there was no unauthorized deduction by the Bank

6. We have considered the rival submissions made on behalf of both the parties. In the first instance as regards making payment of the additional amount i.e. commutation amount as a result of revision of pension, is concerned as per the instructions issued vide Annexure A/6, the revised commuted value is required to be made from the date the revised pension is paid and not from the date when the applicant originally retired. In this view of the matter there remains hardly any dispute for our adjudication. Therefore, we have no hesitation in holding that the deduction of the said amount of Rs. 34082/- has been wrongly made and the Original Application deserves acceptance to that extent..

7. As regards the other amount in dispute i.e. Rs. 10400/- the contention of the applicant that it has been wrongly deducted and the contentions of the learned counsel for the Bank is that it has been correctly accounted for. It was also

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submitted on behalf of the official respondents that regarding this amount this Bench of the Tribunal does not have any jurisdiction and the dispute is between the Bank and the applicant and no specific order can be passed in this respect. We accept the contention of the learned counsel for official-respondents that we do not have any jurisdiction in this matter. However, it is expected that the Bank will use its good office and this type of trifling dispute can be settled up between the applicant and the respondent Bank. However, we propose to pass no order in this respect.

8. Lastly a question remains as regards to the filing of this O.A. and the objection is that this only a suit, which was returned, ought to have been filed here. This matter was dealt with by this very Bench of the Tribunal as on early occasion. While considering the factum that the Tribunal has got a specific formate of applications as well as the pleadings are to be made in English Language, it was considered as expedient that filing of the O.A. would be in the interest of justice. However, the applicant was also directed to file a copy of the Civil Suit. Since certain reasonable dues have also been claimed in the O.A. which the applicant could have otherwise also have claimed, we find that no prejudice has been caused to the respondents in the matter. Thus, in the interest of justice, we have taken up the matter and dealt with the same on merits, ignoring the technicalities.

9. In the premises, the Original Application is partly allowed. The official respondents No. 1 to 3 are directed to make payment of Rs. 34,082/- to the applicant along with interest as the rate of Rs. 8% per annum within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

— R —  
 ( G.R. Patwardhan )  
 Administrative Member

J.K. Kaushik  
 ( J.K. Kaushik )  
 Judicial Member

Kumawat

Copy of order sent to ~~████████~~ vide No. 366 dt'd - 3/12/63  
APP licant

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Record copy

Parwan  
15/1/63  
on behalf of  
V.D. vysas M...

Part II and III destroyed  
in my presence on .....  
under the supervision of  
section officer ( ) as per  
order dated ...../.....

Section officer (Record)