

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00119/2014

Jodhpur, this the 17<sup>th</sup> day of May, 2016

**CORAM**

**Hon'ble Mr. U.Sarathchandran, Judicial Member**

**Hon'ble Ms. Praveen Mahajan, Administrative Member**

Teja Ram Gehlot s/o Shri Choru Ram, aged about 57 years, r/o Ranisarbas Mohalla, New Shiv Mandir, Babulal Railway Phatak, Bikaner District Bikaner, Rajasthan. Office Add:- Post-Gangman, Senior Asstt. Divisional Engineer (Line), NWR, Bikaner.

.....Applicant

By Advocate: Mr. S.S.Nirban and Mr. R.K.Mishra

Versus

1. Union of India through the General Manager, Northern Western Railway, Ganpati Nagar, Jaipur
2. Senior Assistant Divisional Engineer (Line), Northern Western Railway, Bikaner, Rajasthan.
3. Assistant Divisional Engineer (line), Northern Western Railway, Bikaner, Rajasthan
4. Divisional Personal Officer, Northern Western Railway, Bikaner, Rajasthan
5. Divisional Finance Manager, Northern Western Railway, Bikaner, Rajasthan.

.....Respondents

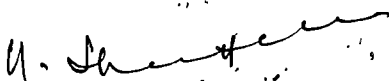
**ORDER (ORAL)**

The applicant is aggrieved by the order dated 06.02.2014 (Ann.A/1) directing recovery of Rs. 9,64,230/- alleged to be on the ground of the applicant having been overstayed in service of the respondent Railways. The applicant is admittedly a retired employee. In the light of Hon'ble the Apex Court ruling in State of Punjab and Others etc. vs. Rafiq Masih (White Washer) etc., Civil Appeal No.11527 of 2014 (Arising out of SLP (C) No. 11684/2012) along with other Civil Appeals decided on 18<sup>th</sup> December, 2014, the recovery of excess payment from a pensioner is ~~highly~~ impermissible in law.

2. In the light of the aforesaid declaration of law by the Hon'ble the Apex Court on the subject matter, we are inclined to allow the OA to the extent of declaring the Ann.A/1 as illegal and recovery is prohibited and accordingly it is quashed and set-aside.

3. The OA stands disposed in above terms. No costs.

  
(PRAVEEN MAHAJAN)  
Administrative Member

  
(U.SARATHCHANDRAN)  
Judicial Member

R/