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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**Original Application No.290/00305/2015**

Jodhpur, this the 05th day of April, 2016

**CORAM**

**Hon'ble Dr. K.B. Suresh, Judicial Member**

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

Umed Raj Singhvi S/o Shri Bachh Raj ji Singhvi, aged about 71 years, R/o A-68 Shastri Nagar, Jodhpur (Raj) 342001, last served in the office of Chief Engineer (Sky Lark) Navy Nagar Colaba Mumbai under Chief Engineer Southern Command, Pune at as B/R Gde-I (Voluntary Retirement).

.....Applicant

None present for applicant.

Versus

1. Union of India, through the Secretary to the Government of India, Ministry of Defence, Raksha Bhawan, New Delhi-110011.
2. Chief Engineer, Southern Command, Pune-411001.
3. Principal, Controller of Defence Account (Pension) Draupadi Ghat, Allahabad-211014.
4. Central Pension Processing Centre, State Bank of India, IIInd floor Chandni Chowk, Delhi-110006.
5. State Bank of India, Main Branch, High Court Campus, Jodhpur (Raj.).
6. The Assistant General Manager, State Bank of India, Special Branch (00659) High Court Campus, Jodhpur-342001.

.....respondents

Mr. K.S. Yadav, counsel for respondents No.1 to 3.

Mr. J.K. Chanda, counsel for respondent No.4.

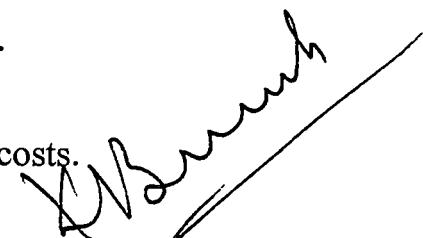
**ORDER (Oral)**

We have heard the matter. The applicant's case is that even if there is an excess paid, it is not due to his fault that excess payment is made.

Indian's Contract Act there cannot be any unmerited gain or advantage to a person without restitution. Therefore, if excess payment had been recovered it is not incorrect if it is done in easy instalments without interest. Therefore, OA will not lie because Bank is a private party and hence Sahib Ram's judgment of the Hon'ble Apex Court is not applicable in the instant case. But then, it is made clear that the Bank can only recover the exact excess amount paid and not interest as there is no fault on the part of the applicant and even then only in long instalments as the fault is fully on the Bank's side.

Accordingly, the OA is dismissed. No order as to costs.

  
[Ms. Praveen Mahajan]  
Administrative Member

  
[Dr. K.B. Suresh]  
Judicial Member

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