

In The Central Administrative Tribunal
Calcutta Bench

MA 505 of 1999
(OA 311 of 1997)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

F.B. Project

- VS -

Ananda Gopal Chakraborty & Ors.

For the Applicant : Ms. K. Banerjee, Counsel
(Respondents in OA)

For the Respondents : Mr. M.S. Banerjee, Counsel
(Applicant in OA)

Heard on : 30-9-99

Date of Judgement : 30-9-99

ORDER

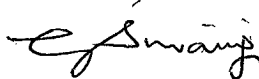
D. PURKAYASTHA, JM

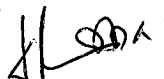
Heard Id. Counsels for both the parties over a miscellaneous application ^{filed} by the official respondents where it has been stated that as per order of the Tribunal, the applicant is to be paid other retiral benefits including DCRG, commutation value of pension of pensionary benefits as per order dated 15.1.99. It is also stated that as per calculation, respondent No.5 has been paid an excess amount of Rs.14,598/- w.e.f. 1.3.97 to 31.1.99 and Rs. 34,865/- from 1.1.86 to 28.2.97 in the scale of Rs.1400-2000/- the corresponding scale of pay of Rs.4500-7000.

2. We find that interim order has been passed by this Tribunal vide order dated 24.4.97 where the respondents were restrained from reducing the pay scale of the applicants from Rs.1400-2300/-. Thereafter, another order has been passed by the Tribunal on 15.1.99 directing the respondents to grant pension and pensionary benefits to the applicant No.5 of OA 311/97 on the basis

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of admitted amount, subject to the final outcome of the O.A. Now the applicant (respondents in O.A.) has come with this application with a prayer to allow the respondents applicant to deduct the excess amount from the DCRG and commutation value of pension and pay the balance DCRG to the applicant No.5 in order to protect the interest of the Govt. in the matter of realisation of Govt. dues which can in no other way be realised except from the DCRG and commutation of pension value as per decision of the Tribunal. We find that respondent applicants could not make it clear about the over payment. In view of the aforesaid circumstances, we do not find any reason to interfere with the order of Tribunal and we find that the MA is devoid of merit and is liable to be dismissed. Accordingly, it is dismissed.


(G.S. Maingi)
Member (A)


(D. Purkayastha)
Member (J)

DKN