

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.531/06

Wednesday this the 23rd day of August 2006.

CORAM:

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. K. B. S. RAJAN, JUDICIAL MEMBER

K.Purushothaman,
Sreenilayam,
Kuttinakala, Muzhangodi,
Thodiyoor (P.O.), Karunagappally,
Kollam District. Applicant

(By Advocate Shri P.K.Madhusoodhanan)

Vs.

1. Garrison Engineer Establishment/Maintenance, (Naval Works), Military Engineering Services, Kataribagh, Naval Base (P.O.), Kochi – 4.
2. Joint Controller of Defence Accounts (Funds), Meerut.
3. Defence Pension Disbursing Officer, Polayathodu, Vadakkevila (P.O.), Kollam-10.
4. Union of India, represented by its Secretary, Ministry of Defence, New Delhi. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

**The application having been heard on 23.8.2006
the Tribunal on the same day delivered the following:**

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is a retired employee of the Military Engineering Services. An amount of Rs.12,975/- was credited to the PF account of the applicant on 2.12.1994 as arrears of Dearness relief on Military Pension and was to be refunded, if a case pending before the Hon'ble Supreme Court in this matter was allowed in favour of the respondents. Since the Hon'ble Supreme Court set aside the order of the respondents the amount remitted to his PF account was

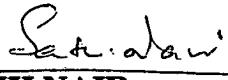
recovered by the 3rd respondent vide Annexure A-1 order. Later, by A-2 order, the 2nd respondent, Joint Controller of Defence Accounts(Funds) Meerut again recovered the same amount with interest from the GPF account of the applicant. The applicant has approached this Tribunal against the double recovery. He has submitted a representation to the 2nd respondent through the 1st respondent in this regard on 25.4.2005 and his representation was forwarded to the 2nd respondent by the 1st respondent vide Annexure A-4 dated 27.4.2005. We find from this order that the effect of double recovery has been confirmed by the 1st respondent and the 2nd respondent has been requested to refund the amount to the applicant.

2. As the respondents are seized of the matter, we are of the view that, a direction to the 2nd respondent to refund the amount to the applicant within a fixed time will meet the ends of justice. Accordingly, we direct the 2nd respondent to refund the amount of Rs.12,975 plus interest, amounting to Rs. 35,028/- recovered from the applicant by A-2 order, to the applicant within a period of one month from the date of receipt of a copy of this order.

3. O.A. is disposed of as above. No costs.

Dated the 23rd August, 2006.


K.B.S.RAJAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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