

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No. 177 of 2010

Monday, this the 29th day of November, 2010

CORAM:

Hon'ble Mr. K. George Joseph, Administrative Member

K. Suprabha, W/o. Late P. Govindankutty, A-104,
Sui summit Apt., E.R.G. Road, Pappali Lane,
Kochi-682018.

..... **Applicant**

(By Advocate – Mr. V. Krishna Menon)

V e r s u s

1. Principal CDA (Pensions), Controller of Defence Accounts,
Office of the CCDA (Pensions), Controller of Chief Defence
Accounts Office, Allahabad.
2. The Garrison Engineer E/M, Kattaribagh, Naval Base, Kochi.
3. The Union Bank of India, Marine Drive Branch, High Court
Junction, Kochi-682031, represented by its Chief
Manager.

..... **Respondents**

**[By Advocate – Mr. Sunil Jacob Jose, SCGSC (R1&2) &
Mr. Reji George (R3)]**

This application having been heard on 29.11.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicant who is in receipt of family pension has filed this O.A. against recovery of excess amount of Rs.1,25,059/- paid by the Union Bank



of India. As per the Pension Payment Order, the applicant is eligible to get family pension at enhanced rate of Rs.5,400/- per month upto 10.05.2008 and thereafter, at the normal rate of Rs. 3270/- per month. Due to an inadvertent mistake, the Bank continued to credit the enhanced rate of pension even after 10.05.2008 in the account of the applicant. After rectifying a calculation error the amount of excess payment made to the applicant came down to Rs. 82,943/-.

2. On carefully considering the documents and arguments of learned counsel for the parties, I find that the matter pertains to the recovery of excess amount paid by the Union Bank of India to its customer, the applicant. No relief has been claimed against 1st and 2nd respondents. The issue involved in this case does not arise out of any action taken or failed to be taken by them. This application is filed by the legal heir of an ex-employee of the 2nd respondent. The O.A does not relate to any service matter as defined in Section 3(q) of the Administrative Tribunals Act, 1985. The applicant's claim is to retain the excess amount of Rs. 82,943/- on account of the mistake committed by the Bank staff. But she had given a letter of undertaking that she is liable to refund the excess amount credited to her account. The applicant has also authorised the Bank to recover the amount due by debit to her account/deposits belonging to her in the possession of the Bank. She has bound herself to indemnify the Bank from and against any loss suffered or incurred by the Bank in crediting the pension to her account and to pay the same to the Bank.



3. In the light of the above, not being a service matter and being just a civil dispute between the Bank and its customer, this O.A. is not maintainable before this Tribunal. The O.A. is accordingly dismissed without any order as to costs. However, in view of the deficiencies on the part of the Bank in the matter of overpayment and recovery it is desirable that the Bank adopts a liberal approach in fixing the number of instalments for the recovery of the excess amount, considering the repaying capacity of the applicant.

(Dated, the 29th November, 2010)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

cvr.