

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 407/99.  
Transfer Application No.

Date of Decision : 27/9/99

Shri C. Periyasamy

Petitioner

Shri A. I. Bhatkar

Advocate for the  
Petitioners

Versus

Union of Indian & Anr.

Respondents

Shri S. S. Karkera for Shri P. M. Pradhan

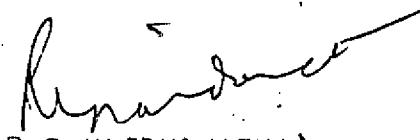
Advocate for the  
respondents

C O R A M :

The Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

The Hon'ble Shri B. N. Bahadur, Member(A).

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to  other Benches of the Tribunal?
- (3) Library

  
(R.G. VAIKYANATHA)  
VICE CHAIRMAN

abp.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO:407/99.

DATED THE 27TH DAY OF SEPT, 99.

CORAM: HON'BLE SHRI R.G.VAIDYANATHA, VICE CHAIRMAN

HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

¶. Shri C.Periyasamy, ACAD, (Retired),  
Residing at A/63, Mala Towers,  
SBI Officers Quarters, Lokhandawala,  
Complex, Andheri (West),  
Mumbai - 400 058. ... Applicant.

By Advocate Shri A.I.Bhatkar.

v/s.

1. Union of India,  
Through the Secretary,  
Ministry of Communications,  
Department of Telecommunication,  
Sanchar Bhavan,  
New Delhi-110 011.

2. The Chief General Manager,  
Western Telecom Projects,  
Phoenix Mill Compound,  
Parel,  
Mumbai - 400 013. ... Respondents.

By Advocate Shri S.S.Karkera for  
Shri P.M.Pradhan.

¶ ORDER ¶ ¶ ORAL ¶

¶ Per Shri R.G.Vaidyanatha, Vice Chairman ¶

This is an application filed by applicant apprehending that some recoveries may be made from his Pension or his Pension may be revised in pursuance of the Impugned order dated 13/2/98. Respondents have filed reply opposing the application. After hearing both sides and since the point involved is a short point, we are disposing of the OA at Admission Stage.

2. The stand of the applicant is that in pursuance of the order passed by this Tribunal in OA-930/93 and connected cases dated 19/7/94, the pay of the applicant came to be refixed and on that basis his Pension was fixed. Now in view of the decision of Supreme Court in R.Swaminathan's case the Government has issued impugned order dated 13/2/98 and the applicant apprehends that in pursuance of this order, there is likelihood of his Pension being refixed in the lower

stage and recoveries may be made. The learned counsel for Respondents tried to make a distinction between the applicant's case and others since applicant had retired on 31/5/92. We do not want to go into the disputed question at this stage.

3. As per the order of this Tribunal, the pay of the applicant has been fixed and on that basis his Pension has been fixed. If the Government wants to refix the Pension of the applicant then he must be heard in the matter before the pension is refixed and any order for recovery is made. Therefore, without expressing any opinion in the matter, we direct the official respondents not to take any action in pursuance of the circular dated 13/2/98 against the applicant, without prejudice to the rights of the Government to issue a show cause notice to applicant and after observing principles of natural justice may pass appropriate orders according to law. All contentions on merits are left open.

4. In case any adverse order is passed by administration after hearing the applicant, then the said order should not be enforced for a period of 4 weeks from the date of issue of order.

5. In the result, the OA is disposed of subject to observations mentioned in para-3 and 4. There will be no orders as to costs.

B.N.Bahadur

(B.N.BAHADUR)  
MEMBER(A)

R.G.Vaidyanatha

(R.G.VAIDYANATHA)  
VICE CHAIRMAN

abp.