

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, CAMP AT NAGPUR.

Original Application No.1278/92.

Shri D.J.Niley. Applicant.

V/s.

Union of India & Ors.6 Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,

Appearances:-

Applicant present in person.
Respondents by Shri Darda.

Oral Judgment:-

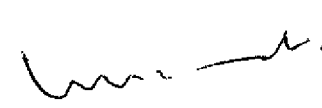
{Per Shri M.S.Deshpande, Vice-Chairman} Dt. 30.7.1993

Heard the applicant in person and

Shri Ramesh Darda for the Respondents.

2. The recovery which is being effected from the pension account is on the basis of the letter sent by the C.P.W.D. from the Pension Account of the applicant with the State Bank of India. From the decision of this Tribunal in M.R.S.Raghavan V/s. GOI (1) 1991 CSJ CAT 84) it is clear that the recovery cannot be made from the Pension relief of the applicant.

3. The application is allowed and the Respondents are restrained from making any recovery from the Pension Account of the applicant. The Respondents will be free to make the recoveries from any other assets which the applicant may be in possession of. The State Bank of India, Nagpur Branch be informed to abstain from making further recovery in view of this order. The O.A. is disposed of.


(M.S.DESHPANDE)
VICE-CHAIRMAN

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Dated: 8/11/93.

Shri R.P. Darda for the Respondents states that he ~~was~~ would take instructions and he will make a statement.

S.O. to 10/11/93.

(M.S. Deshpande)

V/c

R.

Dated: 10-11-1993. Camp at Nagpur.

Mr. Ramesh Darda, Counsel for the Respondents.

It appears that the applicant had died before the order was passed on 30-7-1993. The order was however in favour of the deceased applicant and Shri Darda, Counsel for Respondent states that though the order may amount to nullify the Respondent's could not make any recovery from the pension account of the applicant, which would have ^{now} payable to the legal representatives and they would have liberty to effect recovery from any other assets.

The applicant's legal representatives are not present today. In view of the statement made by Shri Darda it is not necessary to pass any order.

order/Judgement despatched
to Applicant/Respondent (s)
on 30/11/93.

Q
11/1/94

(M.S. DESHPANDE)
VICE CHAIRMAN.