

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Contempt Petition No. 42 of 1993

IN

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 15 MAR 1994

APPLICATION NO(s)

483 of 1993

APPLICANTS: M.V. Raghunurthy

RESPONDENTS: S. Raghuram, Sr. Divisional
Accounts Officer, S. Railways, Bangalore

TO.

1. Sri. M.S. Anandaramu,
Advocate, 27, Chandrasekhar Complex,
1st Main Road, First Floor, Gandhinagar,
Bangalore-9.
2. Sri. A.N. Venugopala Gowda,
Advocate, No. 8/2, Upstairs,
R.V. Road, Bangalore-4.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 09-03-94.

gm*

Olc.
issued on 15.03.94
Gah

S. Shankar,
For DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

C.P.(CIVIL) No.42/1993 IN

O.A. 483/1993

WEDNESDAY, THE NINTH DAY OF MARCH, 1994

Present: Mr. Justice P.K. Shyamsunder, Vice Chairman
Mr. T.V. Ramanan, Member (A)

Shri M.V. Raghumurthy
S/o. M. Venkatarao
aged about 60 years
residing at No.1447
A.D. Block, Srirampuram
Bangalore-560 021.

.... Petitioner/Applicant

By
(Shri M.S. Anandaramu, Advocate)

Vs.

Shri S. Raghuram
Senior Divisional Accounts
Officer, Southern Railway
Bangalore.

.... Respondent

By
(Shri A.N. Venugopal, Advocate)

O R D E R

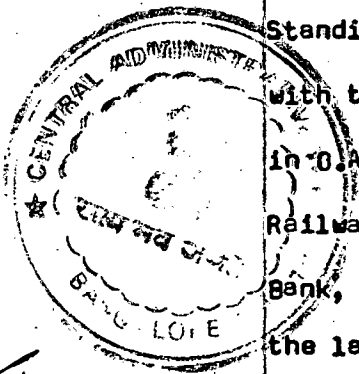
(Mr. T.V. Ramanan, Member(A))

Shri D.T. Devendran appears for Shri M.S.

Anandaramu, counsel for the applicant and Shri A.N. Venugopal
for the respondents. Admit. We have heard both the counsel
and also perused the statement of objections filed by the

Standing Counsel for the respondents. We find that in compliance
with the order passed by this Tribunal on the 27th May, 1993
in O.A. 483/1993, the Divisional Accounts Officer, Southern
Railway, Bangalore had issued a letter to the Manager, Canara
Bank, Okalipuram, Bangalore, on the 2nd July, 1993 directing
the letter to ensure that the excess amount of Rs 2374/-
recovered from the applicant towards DCRG and commutation
be refunded. In view of this we find that respondent has not

.....2/-



committed any contempt of this Tribunal.

2. Learned counsel appearing for the applicant pointed out that in the same letter dated the 2nd July, 1993 there is a direction to the Bank for recovery of excess payment towards pension and prayed that we may direct that no such recovery should be made. We are not concerned with any amount other than the sum of Rs 2374/- regarding which this Tribunal had already passed an order on the 27th May, 1993. If the applicant has any grievance as regards recovery of any other sums he is at liberty to approach this Tribunal separately for redressal of his grievance.

3. Learned counsel appearing for the applicant then contended that despite issue of the letter dated the 2nd July, 1993, the applicant has not still received the refund of the sum of Rs 2374/-. Learned Standing Counsel disputes this contention and says that the applicant has received this amount by way of refund. Having heard both the sides on this point, we direct the respondent to ensure that the amount of Rs 2374/- is received by the applicant, if not already received by him.

4. In the light of the foregoing, this Contempt petition is dismissed and the direction given above to the respondent shall be complied with by him within a period of one month from the date of receipt of a copy of this order.

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Sd-
(T.V. RAMANAN)
MEMBER(A)

Sd-
(P.K. SHYAMSUNDER)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE.

DATED THIS THE 27TH DAY OF MAY, 1993.

PRESENT:

Hon'ble Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

And

Hon'ble Mr. V. Ramakrishnan, .. Member(A).

APPLICATION NUMBER 483 OF 1993

M.V. Raghunurthy,
S/o M. Venkatarao,
Aged about 60 years,
residing at No. 1447,
A.D. Block, Srirampuram,
Bangalore-560 021.

.. Applicant.

(By Sri M.S. Anandaramu, Advocate)

v.

1. The Union of India,
represented by its Secretary,
Ministry of Railways,
New Delhi.
2. The Divisional Personnel Officer,
Southern Railway, Bangalore
Division, Bangalore.
3. The Senior Divisional Accounts Officer,
Southern Railway, Bangalore.

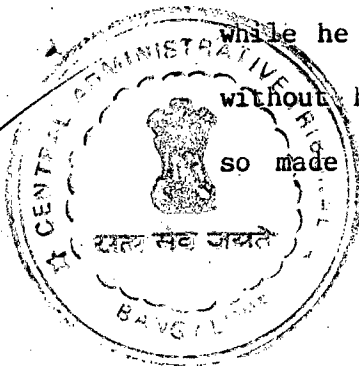
.. Respondents.

(By Sri A.N. Venugopala Gowda, Standing Counsel)

This application having come up for hearing to-day, Hon'ble Vice-Chairman made the following:-

ORDER

The complaint herein is that the department is seeking to recover a sum of Rs. 2374/- admittedly paid to the applicant while he was in service on the ground it had been wrongly paid without he being entitled thereto and, therefore, the payment so made in the aforesaid sum is liable to be recovered from



the applicant and appropriate adjustment made vis-a-vis any monetary benefits due to him. It is common ground that the applicant has already retired and action taken to recover the sum of Rs.2374/- has ensued after his retirement. The sum sought to be recovered or reimbursed is not a huge sum but a sum of Rs.2374/-.

2. Under the circumstances it is proper for the Government to waive the recovery of this small sum paid over to the applicant while in service not because of any wrongful claim made by him but because of the payment made erroneously by the Department. But, then having regard to the fact the applicant himself has retired recovery of that sum would cause him great hardship and it would also be an unjust act to recover from him the sum of Rs.2374/-. This is also view of the Calcutta Bench of the Central Administrative Tribunal in RAM PUKAR BHAKAT AND OTHERS v. UNION OF INDIA AND OTHERS [1990(3)SLR 464]. Following the said decision, we direct the department not to recover the excess payment made in the sum of Rs.2374/-. To this extent the application succeeds. This is the only relief that is granted herein. No costs.

Sd-

MEMBER(A)

Sd-

VICE-CHAIRMAN

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE