

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

Original Application No.700/93.

Shri J.B. Mayekar.

....Applicant.

V/s.

Union of India & Ors.

....Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman.  
Hon'ble Shri N.K.Verma, Member (A).

Appearances:-

Applicant by Shri B.Dattamoorthy.  
Respondents by Shri M.S.Karnik.

Oral Judgment:-

¶ Per Shri M.S.Deshpande, Vice-Chairman Dt. 11.10.93.

Heard Shri Dattamoorthy for the applicant and Shri M.S.Karnik (holding for Shri P.M.Pradhan). Shri Karnik requests for an adjournment. Sufficient time was granted so far and since the present matter is ~~the~~ one ~~xxx~~ relating to the recoveries being made from the pension payable to the applicant we do not think that any further adjournment will be justified. The amount sought to be deducted is the amount of what the respondents claim\$ to be damages of the illegal occupation of the Quarters. As has been observed in R.D.Sharma v/s. UOI (A.I.S.L.J. 1989(1) CAT 61) such a recovery cannot be made from pension. In the present circumstances, we therefore, direct the respondents not to effect any recovery from the amount of pension which is payable to the applicant and refund the amount which has been wrongfully withheld over and above the normal usual rent within two months from today.

2. The application is disposed of with these directions.

*N.K.Verma*

(N.K.VERMA)  
MEMBER (A)

*M.S.Deshpande*

(M.S.DESHPANDE)  
VICE-CHAIRMAN