

~~CENTRAL ADMINISTRATIVE TRIBUNAL~~
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MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 1109 of 1995.

Dated this Wednesday, the 26th day of July, 2000.

Smt. Sulabha Krishnaji Dixit, Applicants.

None present. Advocate for the
applicants.

VERSUS

Union of India & Others, Respondents.

Shri S. S. Karkera for Advocate for
Shri P. M. Pradhan, the respondents.

CORAM : Hon'ble Shri B. S. Jai Parameshwar, Member (J).

Hon'ble Shri Govindan S. Tampi, Member (A).

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches
of the Tribunal ?
- (iii) Library.

No


(B.S. JAI PARAMESHWAR)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1109/95.

Dated this Wednesday, the 26th day of July, 2000.

CORAM : Hon'ble Shri B. S. Jai Parameshwar, Member (J).

Hon'ble Shri Govindan S. Tampi, Member (A).

Smt. Sulabha Krishnaji Dixit,
(W/o. Late Shri Krishnaji
Vishwanath Dixit),
Survey No. 8/6, Karvenagar,
Satpute Niwas, Lane No. 4,
Karvenagar, PUNE - 411 052.

... Applicant.

(None for the applicant)

VERSUS

1. Union of India through
The Secretary,
Ministry of Communication,
New Delhi - 110 011.
2. The Postmaster General,
(Maharashtra State),
Bombay - 400 001.
3. The Postmaster General,
Pune - 411 001.
4. The Postmaster,
R.M.S. 'B' Division,
Pune - 411 001.
5. The Sub-Post Master,
Karvenagar Post Office,
At : Hingne Stri Shikshan
Saunsta Compound,
Pune - 411 052.

... Respondents.

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

OPEN COURT ORDER

PER : Shri B.S. Jai Parameshwar, Member (J).

The applicant herein is the widow of late
Shri Krishnaji Vishwanath Dixit, who was the employee

in the respondents department. While the husband of the applicant was in service, he was provided with a residential quarter bearing No. 4/40 in the Post & Telegraph Colony at Gultekdi, Pune - 411 037. The husband of the applicant retired from service w.e.f. 01.10.1981.

2. After retirement, the husband of the applicant did not vacate the quarters, ~~but~~ instead he initiated proceedings before the Hon'ble High Court of Bombay and took the matter upto ^{the Hon'ble} Supreme Court. The Hon'ble Supreme Court had passed an interim direction permitting the husband of the applicant to continue to occupy the quarter subject to payment of rent. The S.L.P. filed by the husband of the applicant came to be decided on 26.07.1989. It was dismissed. However, the Hon'ble Supreme Court had directed the husband of the applicant to remain in occupation of the quarter upto 31.12.1989. The husband of the applicant should have vacated the quarter on 31.12.1989. He did not vacate. However, he continued to occupy the quarter till 17.08.1991.

3. The husband of the applicant died on 29.09.1991.

4. The grievance of the applicant is that the respondents are attempting to recover the outstanding dues to the department from ^{the relief} on pension and they are paying her only the basic ^{family} pension of Rs. 375.00.



5. The applicant has filed this application for the following reliefs :

"8 (a) To declare that no recoveries can be made from the basic family pension or the relief on family pension, in respect of any outstanding arrears of rent/licence fee recoverable from the deceased employee and

8(b) direct the respondents to refund the amounts already recovered from the applicant's family pension or reliefs on the family pension forthwith"

6. The respondents have filed a written statement. The respondents are justified in recovering the amount due to the department from the dearness relief on the family pension payable to the applicant. In fact, the D.G.P. & T. letter No. 4-4/78-TA dated 28.03.1978 is in the following terms :

"(7) Recovery of Government dues from Pensioner's relief permissible -

The Ministry of Finance has clarified in their U.O. No. 718 EV (A) dated the 7th February, 1978, that the Pensioner's Relief is not covered by the Pension Act and there may be no objection to the recovery of Government dues from the Pensioner's Relief without the consent of the pensioner."

It empowers the respondent authority to recover the amount from the pensioner's relief. We do not dispute the authority of the respondents to recover the amount from the applicant.

7. The respondents have produced a letter dated August, 1991, which is at exhibit R-2 wherein the husband of the applicant was directed to pay a sum of Rs. 12,951.05ps. It is stated by the applicant that her husband had paid Rs. 12,000/-. It is for the respondent authority to check and verify the records.



8. The respondents have furnished the calculation sheet in respect of the dues payable from the husband of the applicant. It is at annexure R-3. According to that, the amount to be recovered from the applicant is Rs. 11,925.55ps. We do not dispute the correctness of the calculation sheet made by the respondents. The competent authority shall verify the amount paid by the husband of the applicant during his life time. After giving an opportunity to the applicant, they may recover the legitimate amount due towards licence fee or damage rent or penal rent, as the case may be, with reference to the quarter occupied by the applicant and her husband.

9. Hence, in view of the matter, we dispose of this O.A. with the following directions :

(i) The respondents shall verify their records and inform the applicant the details of the amount outstanding and give her an opportunity before effecting recovery from the dearness relief on her family pension.

(ii) Time for compliance is four months from the date of receipt of a copy of this order.

(iii) No order as to costs.


(GOVINDAN S. TAMPT)
MEMBER (A).

OS*


(B.S. JAI PARAMESHWAR)
MEMBER(J)