

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1008/99

Date of Order : 3.12.99

BETWEEN :

MasboonBi

.. Applicant.

AND

1. General Manager
(Representing UOI), S.C.Rly.,
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager,
S.C.Rly., Divisional Offices,
Vijayawada.

.. Respondents.

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Counsel for the Applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.S.Ramakrishna Rao, learned counsel for the
applicant and Mr.Venugopal for Mr.C.V.Malla Reddy, learned
standing counsel for the respondents.

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2. The applicant herein is wife of late Sri Sk.Md.Tahir. Sri Tahir while working as Passenger Driver at Rajahmundry retired on Superannuation on 31.12.92. He was paid pension from 1.1.93 as per PPO No.5904100750 dated 31.12.92. A sum of Rs.17,052/- was shown as recovered from DCRG towards over payment.

3. The applicant submits that the recovery is illegal, arbitrary and she has submitted ~~to~~ a representation to that effect. The last one ^{dated} ~~being~~ ^{was} 3.3.99, addressed to R-2 (A-14). It is stated that all her representations are yet to be replied.

4. This OA is filed praying for a direction to the respondents to refund the alleged over payment of Rs.17,052/- recovered from DCRG from the terminal benefits of the applicant's husband.

5. A reply has been filed in this OA. In the reply it is stated that the Railway Administration on verification and review of his service register and the leave chart ^{fund} ~~that~~ the annual increments sanctioned earlier in his favour were irregular during the period December 1983 to 1992. That verification reveal ^{ed} over payment of wages amounting to Rs.17052/-. The working sheet is enclosed as Annexure-R-2. The said amount has been adjusted from the amount of DCRG payable at the rate of Rs.1950/- o.m. (Annexure-R -3), ~~As~~ per Rule 323 (i) (b) other government dues such as over payment on account of pay and

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allowances of admitted and obvious dues such as house rent, Post Office Life Insurance premium outstanding advance etc., due to the government from the retiring employee can be recovered.

6. A rejoinder has been filed in this OA. The applicant relies on the judgement of the Principal Bench of this Tribunal in OA.555/96 disposed of on 1.4.97 (page-14 to the rejoinder).

Based on that, he submits that over payment deducted after the long years cannot be recovered. He also submits that para-1016 of IREM Vol.I has not been followed before deciding the recovery of the alleged over payment. Hence he submits that the amount has to be repaid to her.

7. The applicant has submitted number of representations, the last one has been quoted above. The respondents ought to have replied ^{LV} a representation suitably. While doing so they should have taken note of the Para-1016 of IREM also.

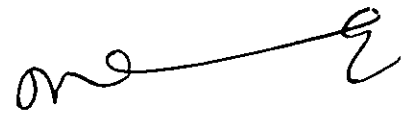
As no reply has been given to her representation I am of the opinion that the following direction is justifiable :-

The representation of the applicant enclosed to the OA should be disposed of by R-2 in accordance with the law taking due note of para-1016 of IREM Vol.I. A cogent reply covering all the aspects should be issued to her within a period of 2 months from the date of receipt of a copy of this order. The applicant is at liberty to challenge that reply if she is aggrieved by the same.

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8. The OA is ordered accordingly. No costs.

The Registry should enclose a copy of the OA
along with the judgement to R-2.



(R. RANGARAJAN)
Member (Adm.)

Dated : 3rd December, 1999

(Dictated in Open Court)



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

COPY TO.

1. HON'BLE ✓
2. HON'BLE M. (ADMN) ✓
3. HON'BLE J. (JUDL) ✓
4. D.R. (ADMN) ✓
5. SPARE ✓
6. ADV' CATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE DH. NASIR
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN) ✓

THE HON'BLE MR. B. S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER 3/12/99

RA/CA/CP.NO.

IN
CA.NO. 1068/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

