

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.No.437/99

Date of Order: 16-8-99

Between:

M.Chennaiah

...Applicant

And

1. The Financial Advisor &
Chief Accounts Officer,
South Central Railway,
Secunderabad.
2. The Chief Senior Accounts Officer,
South Central Railway,
Vijayawada.
3. The Divisional Railway Manager,
South Central Railway,
Vijayawada Division, Vijayawada.

...Respondents

Counsel for the Applicant - Mr.S.Ramakrishna Rao, Advocate

Counsel for the Respondents - Mr.K.Siva Reddy, SC for Rlys

CORAM:

THE HON'BLE MR.JUSTICE D.H.NASIR : VICE-CHAIRMAN

...

Order

Heard.

The respondents are sought to be directed to refrain from making any recovery from the applicant's pension as stated in order No.A/PN/BZA/15667, dt.11.1.99 and Memo No. A/PN/BZA/15667, dt.26.6.1996. By a letter dt.17.9.96 addressed to the Finance Associate & Chief Accounts Officer, Headquarters, Secunderabad by the applicant it is stated that it was not the fault of the applicant that the excess amount of Rs.58,343/- was paid to him and therefore he could not be penalised at this juncture as he has already retired from service. He further submits that he is prepared for


..contd..2

deduction of an amount of Rs.300/- p.m. as he has no other alternative but to wholly depend on pension. He further submits that he has 4 sons and he has to look after their education and welfare. The applicant therefore mentions in his representation dt.17.9.96 that the amount may be recovered by deducting Rs.300/- from his pension every month.

2. The learned standing counsel Mr.K.Siva Reddy mentions that Rs.300/- would be a very small amount and the recovery would take quite a long time for recovering the amount of Rs.58,343/- and therefore according to the learned counsel for Respondents the instalments should be not less than Rs.1000/- per month.


3. After hearing the learned counsel for rival parties at length I believe that the interests of justice would be served if the respondents are directed to deduct from the applicant's pension a sum of Rs.500/- per month from 1st September,1999.

4. The OA is disposed of accordingly. No costs.


(JUSTICE D.H.NASIR)
Vice-Chairman

Dated: 16th August,1999
(order dictated in the open court)

'SA'


22/8/99