

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

.....  
Date of Decision: 20.10.1993.

OA 378/93

R.N. ZUTSHI

... APPLICANT.

v/s.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

HON. MR. GOPAL KRISHNA, MEMBER (J).  
HON. MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI J.P.S JAIN.

For the Respondents ... NONE.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

The applicant, R.N. Zutshi, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the two months' salary amounting to Rs.1460/- be refunded to him alongwith interest thereon @ 24% p.a.

2. The facts giving rise to this application are that the applicant retired from the post of Chief Welfare Inspector Grade-III at Ajmer in the Ajmer Division of the Western Railway <sup>that</sup> after attaining the age of superannuation on 31.7.1977 and at the time of retirement the applicant's pay was Rs.730/- and while granting pension to him his two months' salary was deducted therefrom towards the family pension as per extant rules. Since the applicant's wife expired on 26.4.1989 and there was none to receive the benefit of family pension, the applicant applied for refund of the two months' salary amounting to Rs.1460/- but the same was not refunded to him. The appeal filed by the applicant to the Divisional Railway Manager also proved futile. The learned counsel for the <sup>Opposite</sup> applicant has placed reliance on the decision dated 9.8.1988

of the Central Administrative Tribunal, Chandigarh Bench, in OA 538-HR of 1987, wherein it was observed as follows :-

"Hence, we are of the considered view that there is absolutely no jurisdiction on the part of the Government to withhold the refund of Rs.3200/- deducted from the gratuity of the applicant by way of contribution pursuant to the policy of family pension adopted by the respondent as a socio economic security measure for maintenance of the widow/dependent child of a retiring Government servant."

3. We have heard the learned counsel for the applicant. None has appeared on behalf of the respondents. This matter is squarely covered by the aforesaid decision. However, the applicant's claim has not been controverted on behalf of the respondents by way of filing a reply.

4. In view of the position stated above, we allow this application and direct the respondents to refund Rs.1460/- within four months of the receipt of a copy of this order. If the respondents do not refund the aforesaid amount within four months of the receipt of this order, they shall be liable to pay interest thereon @ 12% p.a. There shall be no order as to costs.

( O.P. SHARMA )  
MEMBER (A)

Gopal Krishna  
( GOPAL KRISHNA )  
MEMBER (J)