

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**Date of Order: 23.04.2015**

**OA No. 291/00236/2015**

Mr. R.K. Mathur, senior counsel, assisted by  
Mr. Aditya Mathur, counsel for applicant.

The Original Application is filed seeking a declaration that the action of the respondents is illegal in reducing the basic pension of the applicant and in raising recovery to the tune of Rs. 16,22,583/- and further declaration sought for is to declare Lt. Colonels serving in the N.C.C. entitled to be considered at par with their counter-part Lt. Colonels in Defence Services and be placed in Pay Band-4. Further direction sought for is not reducing the pension of the applicant retrospectively and to continue to pay pension to the applicant treating him to be eligible to be placed in Pay Band-4.

2. Heard learned senior counsel Shri R.K. Mathur assisted by Shri Aditya Mathur, counsel for the applicant, in detail.

3. The applicant is aggrieved by the order dated 18.03.2015 (Annexure A/1) whereby it has been informed that on account of revision of pension, now the basic pension shall be paid to the applicant to the tune of Rs. 15606/- per month instead of Rs. 26265/- per month. It

has also been intimated that an amount of Rs. 16,22,583/- shall be recovered from the applicant as the excess amount of pension has been paid due to wrong fixation of pension.

4. The applicant is aggrieved by the orders at Annexure A/1 dated 18.03.2015, Annexure A/2 dated 13.11.2014 and Annexure A/3 dated 13.01.2014. According to the applicant, the action of the respondents in reducing the pension and recovery sought for is arbitrary and violative of principles of natural justice. It is pointed out that the decision making process being adopted is per se faulty and based on illegal consideration of facts and other relevant process for determination of the pension. It is also pointed out that the pension has been reduced with effect from 2006 and it has been communicated to the bank, disbursing pension to the applicant, that an amount to the tune of Rs. 16,22,583/- be recovered from the applicant.

5. Learned senior counsel for the applicant submits that no amount can be recovered from the applicant if it has been paid by the respondents on the basis of pensioner's entitlement to get the pension. It is also submitted that the respondents have till date not disclosed as to on what grounds they are reducing the pension of the Lt. Colonels (retired) who served in N.C.C. Learned senior counsel also submits that similarly situated persons have been paid pension after extending the benefit of the 5<sup>th</sup> Central Pay

Commission and 6<sup>th</sup> Central Pay Commission and extension of such benefit has been done by the respondents themselves and that the benefit of 5<sup>th</sup> and 6<sup>th</sup> Central Pay Commissions was universally extended to all the employees in India working in different departments.

6. Before examining the contentions of the applicant on merits, the Tribunal is of opinion that the applicant shall be given an opportunity to place his grievances before the authorities first. For the sake of justice, the authorities shall consider first the grievances of the applicant and shall pass a reasoned and speaking order. Thereafter, this Tribunal can examine the legality of such an order if any party is aggrieved.

7. Under the circumstances, this Tribunal directs the applicant to file representation(s) with supporting documents before the respondent nos. 1 to 3 within a period of fifteen days from the date of receipt of a copy of this order. In the event of filing such a representation within the stipulated period, the respondent nos. 1 to 3 shall consider the same and pass a reasoned and speaking order in accordance with the provisions of law within a period of three months from the date of receipt of a copy of the representation from the applicant. In view of the limited prayer granted directing the respondents to consider the representation, I am of the view that the O.A. can be

disposed of in limine without issuing notice to the respondents.

8. Meanwhile, reduction of pension and recovery proceedings initiated pursuant Annexure A/1 order dated 18.03.2015 and Annexure A/3 order dated 13.01.2014 shall be kept in abeyance till the disposal of the representation of the applicant by the respondent nos. 1 to 3. Needless to say that the applicant is entitled to receive the regular pension which he has been receiving earlier till the disposal of the representation(s).

9. If the applicant is aggrieved by the order(s) to be passed by the respondent(s), he is at liberty to approach the Tribunal in accordance with the provisions of law, if so advised.

10. The applicant shall furnish a copy of this order to the respondent nos. 1 to 3 along with a copy of complete paper book / O.A.

11. The Original Application is disposed of accordingly. There shall be no order as to costs.

  
(JUSTICE HARUN-UL-RASHID)  
JUDICIAL MEMBER