

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00363/2016

DATE OF ORDER: 02.06.2016

CORAM

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

Hanuman Prasad Sharma S/o late Shri Ram Chandra Sharma, aged about 69 years, R/o Ward No. 14, Tiwari Mohalla, Reengus, District Siker, presently retired as Junior Accounts Officer from BSNL.

....Applicant

Mr. P.N. Jatti, counsel for the applicant.

VERSUS

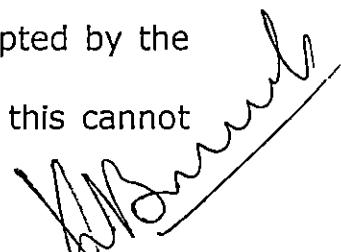
1. Union of India through the Secretary to the Govt. of India, Department of Telecom, Ministry of Communication, New Delhi.
2. Chairman and Managing Director, Bharat Sanchar Nigam Limited, Bara Khamba Road, New Delhi.
3. The Controller O/o the Controller Communication Accounts, Jhalana Doongri, Jaipur - 4.
4. Superintendent of Post Offices, Siker Dn., Sikar.

....Respondents

ORDER

(Per DR. K.B. SURESH, JUDICIAL MEMBER)

Heard. In paragraph 5 of this Bench of the Tribunal's order dated 03rd January, 2013 in OA No. 516/2009 (Hanuman Prasad Sharma vs. Union of India & Ors.), on the request of the applicant himself, the fact was found that the respondents can adjust the excess amount from the arrears to be paid on the basis of the revised payment order, which was accepted by the respondents also, therefore, being a consent order, this cannot



be challenged by anyone. For this reason only, in Annexure A/1 dated 07/28.05.2015, it is stated that the amount is adjusted from the arrears to be paid to the applicant and it was correctly adjusted.

2. Now the applicant challenges this adjustment on the ground that this Annexure A/1 order is passed in violation of the order of the Tribunal dated 03rd January, 2013. It is not correct. He had taken a view that even though overpayment can be adjusted from the arrears of pension; he says that the methodology may not be correct. The grounds now taken are vague as at the point of time, he himself submitted that the excess amount can be recovered from the arrears which has actually been done by the respondents. Therefore, we find that there is no other cogent ground taken otherwise he wants the benefit of judgment of the Hon'ble Supreme Court in **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.** (Civil Appeal No. 11527/2014). This judgment is applicable only if certain conditions are satisfied. This is not applicable in the present case for the simple reason that a consent order is complied with by the respondents, and after having receipt of the benefit of consent order which the applicant is now estopped from electing otherwise. Therefore, the Original Application lacks merit and it is dismissed in limine. No costs.

Meenakshi
(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

K.B. Suresh
(DR. K.B. SURESH)
JUDICIAL MEMBER