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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR
* * *

Or. No. 84/1997

Date of order: 10-07-1997

Madan S/o Shri Gandhi, Resident of village Bad-Shaloda,
Hirdeun Karauli Road, Gangapur City, retired Driver
of Western Railway, Kota Division.

.. Applicant

Versus

1. Union of India through General Manager, Western
Railway, Bombay Central, Bombay.
2. F.A.S.C.A.O., Western Railway, Churchgate, Bombay.
3. Manager, State Bank of Bikaner and Jaipur,
Branch Gangapur City, Distt. Sawainadhopur.

.. Respondents

Mr. S.C.Sethi, counsel for the applicant

Mr. Manish Bhandari, counsel for respondents Nos. 1 and 2.

Mr. H.C.Chhabra, counsel for respondent No.3

CORAM:

Hon'ble Mr. O.P.Sharma, Administrative Member

Hon'ble Mr. Patan Prakash, Judicial Member

O R D E R

Per Hon'ble Mr. O.P.Sharma, Administrative Member

In this application under Section 19 of the
Administrative Tribunals Act, 1985, Shri Madan has
prayed that the order dated 20-12-94/9-1-95 of the
F.A.S.C.A.O., Western Railway Mumbai sent to respondent
No.3 the State Bank of Bikaner and Jaipur, Gangapur
City Branch may be declared to be illegal and inoperative
and the respondents may be directed to allow 100% pension
to the applicant without reducing any amount. He has
further prayed that the respondents may be directed
not to reduce the pension of the applicant by Rs. 66/-
per month and the additional Dearness Relief admissible

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on it and paid till now i.e. the date of letter dated 29-7-1996 (Ann.A1). He has also prayed that respondent No.3 may be ordered to refund the amount recovered from the applicant's pension from July, 1996. He has also asked for payment of interest @ 24 % on the amount recovered from the pension of the applicant. He has also prayed for grant of cost and expenses, which has been mentioned by the applicant as Rs. 2000/-.

2. The grievance of the applicant, who was retired from service with the Railways on 10-12-82, is that as a consequence of the aforesaid communication from the F.A.& C.A.O., Western Railway, Mumbai dated 20-12-94/ 9-1-95, the State Bank of Bikaner and Jaipur, Gangapur City Branch which disbursed pension to the applicant started deducting^a sum of Rs. 800 per month from the pension and the Dearness Relief payable to the applicant from July, 1996, in order to recover some allegedly excess amount paid to the applicant.

3. The respondents have not filed any reply to the OA.

4. We have heard the learned counsel for the parties and have perused the material on record.

5. The learned counsel for respondents Nos. 1 and 2 i.e. the General Manager, Western Railway, Mumbai and the F.A.& C.A.O., Western Railway, Mumbai stated during his oral arguments that there was indeed a mistake in stating that some excess amount had paid to the applicant and in asking the Bank to recover the aforesaid amount from the pension payable to the applicant. However, as soon as the Department realised its mistake it issued instructions to the Bank to stop deducting the amount

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and to refund the amount already deducted from his pension and Dearness Relief.

6. The learned counsel for respondent No.3, State Bank of Bikaner and Jaipur, Gangapur City Branch, stated before us during his oral arguments that the Bank has since received a communication dated 27-3-1997 ^{from respondent No.2} in which it has been stated that infact there was no overpayment of pension to the applicant, and that the amount already recovered from the applicant may be refunded to him. As a consequence, the applicant is now getting the pension which was being paid originally and the amount recovered has also been refunded to him. This position has not denied by the learned counsel for the applicant.

7. The learned counsel for the applicant, however, prays for grant of cost to the applicant in view of the harassment and inconvenience caused to him on account of improper recovery of certain amount from his pension as a consequence of the order dated 20-12-94/9.1.95 issued by the F.A. & C.A.O., Western Railway, Mumbai. The learned counsel for respondents Nos. 1 and 2 opposed the grant of any cost on the ground that ^{as soon as} respondents Nos. 1 and 2 realised their mistake they immediately corrected it by issuing a revised communication dated 27-3-97 to the Bank. There was a bonafide mistake on their part and since they realised it they have already rectified it.

8. Insofar as this OA is concerned, it has become infructuous in view of what has been stated above. ^{However,} In the circumstances of the present case,

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we are of the view that the applicant atleast deserves to be compensated by payment of interest to him on account of the amount wrongly recovered from him and retained by the Government for certain period. We direct that interest at the rate of 12% shall be paid to the applicant on the amount deducted from his pension for the period for which it was retained by the Government. The interest shall be paid to the applicant within a period of three months from the date of receipt of a copy of this order. The OA stands disposed of accordingly. There shall be no order to any other costs. The communication dated 27-3-97 shall be taken on record.


(Ratan Prakash)
Judicial Member


(O.P. Sharma)
Administrative Member