

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.3049/2017

New Delhi this the 12th day of October, 2018

Hon'ble Ms. Praveen Mahajan, Member (A)

C.K.Banerjee

Aged about 82 years

S/o Late J.K. Banerjee

R/o House No.343, Sector-5

R.K.Puram, New Delhi – 110 022.

... Applicant

(By Advocate: Shri Raahul Trivedi)

VERSUS

1. Union of India
Ministry of Consumer Affairs
Food and Public Distribution
(Through it's Secretary
Department of Consumer Affairs
Krishi Bhawan, New Delhi)-110 001.
2. Pay & Accounts Officer
Ministry of Consumer Affairs
Food & Public Distribution
Department of Consumer Affairs
12-A, Jaamnagar House, New Delhi – 110 011.
3. Controller of Accounts, Govt. of India
Ministry of Finance, Department of Expenditure
Central Pension Accounting Office
Trikoort-II, Bhikhaji Cama Place
New Delhi – 110 066.
4. Senior Branch Manager
Vijaya Bank, R.K.Puram Branch
Munirka, New Delhi – 110 067. ...Respondent

(By Advocate: Shri Rajiv R.Raj for R-1, 2 & 3
Shri K.S.Ranaut for Bank with
Sr. Branch Manager)

O R D E R (Oral)

Through the medium of this OA, the applicant has impugned the order dated 02.01.2017 vide which his basic pension was reduced from Rs.8,447/- to Rs.7,215/- w.e.f.01.01.2006.

2. The applicant in the OA retired from the Department of Consumer Affairs on 31.01.1993 from the post of Metrological Assistant. The pension of the applicant was revised in view of the recommendation of 6th Pay Commission and his basic pension was fixed at Rs.8,447/-. The applicant states that on 23.03.2017, a letter dated 21.02.2017 was received by him mentioning that an amount of Rs.276723/- has been over paid to him as pension and is recoverable from him.

3. Immediately thereafter he represented to the respondents on 30.03.2017 asking for factual information and reasons as to why his pension was reduced arbitrarily from Rs.8447/- to Rs.7215/-. He also prayed that the proposed recovery of Rs.2,76,723/- should be stayed since there was never any misrepresentation or fault on his part. The applicant states that no decision was taken by the respondents on his representation.

4. During the course of hearing, the learned counsel for the respondents Shri Rajive R Raj stated that reduction in pension of the applicant has occurred on account of interpretation of

various circulars. He informed the Bench that this mistake has since been rectified. He drew my attention to Annexure R-2 filed by the respondent alongwith their counter affidavit, the same is a corrigendum letter dated 10.10.2017 which states as under :-

"No.PAO/Food/Pen-Fund/2017-2018/634

Date:10.10.2017

To

The Sr. Accounts Officer,
Central Pension Accounting Office,
Min. Of Finance, Govt. of India
Trikoort-II Complex, Bhikaji Cama Place
R.K.Puram, New Delhi – 110 066.

CORRIGENDUM LETTER

Sir,

Please refer to this office authority letter no.PAO/P&F/Rev./1618-19 dated 08.12.2016 (copy enclosed) with regard to revision of pension of Sh. C.K. Banerjee, Date of Birth 01.02.1935 holder of PPO No.715049300018 retired on 31.01.1993. The said authority has been issued erroneously by this office due to PPO No. Was pending under **CPAO PPO Number Status** (Copy enclosed).

Now, it is stated that the PPO no.715049300018 pertains to PAO (CA), New Delhi M/o CA,F&PD D/o Consumer Affairs.

You are therefore, requested that the aforesaid revision of pension authority dated 08.12.2016 may be treated as cancelled and further necessary correction action may kindly be taken in this regard.

You are also requested that authority vide Diary No.W07150410100004/1039-1041 dated 17.07.2013 issued by PAO (CA), D/o Consumer Affairs 12-A Jamnagar House, New Delhi may be treated as final.

Sr. Accounts Officer
(Pension)

Copy to: PAO (CA), M/o Food & PD, D/o Consumer Affairs,12-A Jamnagar House, New Delhi for information and necessary action."

5. This has been followed by letter dated 16.10.2017, (Annexure R-3) to the Manager, Vijaya Bank, Bangalore, Karnataka where in it has been clarified that the earlier letter

dated 02.01.2017 may be treated as cancelled and payment may be made to the applicant as per earlier letter No.715049300018/1458366/A3 dated 29.11.2013. The aforesaid letter dated 29.11.2013 is at Annexure A-2 which shows the basic pension of the applicant is Rs.8447/-.

6. Today, Senior Manager, R.K.Puram, Vijaya Bank is present in the Court to explain the entire position. He stated that the applicant is now being paid the corrected (earlier) pension of Rs.8447/- as directed/clarified by the respondents. This fact was also confirmed by the learned counsel for respondents, Shri R.S. Ranaut.

It would thus appear that after receiving the clarification from the respondents, the concerned Branch of the Disbursing Bank has started paying the correct pension of Rs.8447/- to the applicant.

7. The applicant, who is present in person could not explain whether any recovery has made from him as a result of the impugned order dated 02.01.2017. However, the respondents are directed to ensure that recoveries, if any made on account of the erroneous revised pension of Rs.7215/- made from the applicant in this regard should be refunded back to him immediately and in any case not later than two months from today. Respondents are

advised to ensure that senior citizens like the applicant should not be unnecessarily put to such harassment for no fault on their part.

8. The OA is accordingly, disposed of since the impugned order dated 02.01.2017 has been recalled by the respondents and original basic pension of the applicant fixed at Rs.8,447/- has been restored. No costs.

(Praveen Mahajan)
Member (A)

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