

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO. 170/00956/2016

DATED THIS THE 13TH DAY OF DECEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

K. Rangaswamy  
S/o K. Rangaiah  
aged about 69 years  
retired as Chief Controller  
South Western Railway  
Hubli Division  
Hubli. ....Applicant

(By Advocate Shri Izzhar Ahmed)

Vs.

1. Senior Divisional Personnel Officer  
(Personnel Branch)  
South Western Railway  
Hubli Division  
Hubli.

2. Senior Divisional Finance Manager  
(Account Department)  
South Western Railway  
Hubli Division  
Hubli.

3. Union of India,  
through the General Manager,  
South Western Railway  
Gadag Road  
Hubli. ....Respondents

(By Advocate: Shri N. Amaresh, Standing Counsel for Railways)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. Since in the family pension recorded in part 3(b) and

part 3 (c) indicate that the applicant is not eligible for Fixed Medical Allowance, as he has already opted for RELHS and got it also. The action of the respondents in recovering the Fixed Medical Allowance which was wrongly paid to him is justified. At the same time he has produced Annexure A-26 No.A/PN/HQ/PN/24 dated 07.03.2011 issued by the FA &CAO indicating that if there is an infirmity in the records, like PPO, it can be sought to be corrected. It is only inclusive clause so that the applicant can represent for correction of PPO if any defect is there.

2. Now the applicant submits that he resides about 5 kms from the Railway Hospital. Therefore he need to be put in the category of Fixed Medical Allowance recipient. That can be considered in terms of RELHS option he had already given and considered by the Board's guidelines. He is permitted to file a representation and appropriate decision can be taken within 2 months. Other benefits sought for in the OA cannot be granted.

3. At this point Shri Izzhar Ahmed further reports that he may be allowed for recouping of the recovery allowed. Because he was at that point was already managed under RELHS only, therefore, recovery is correct.

4. OA is disposed of. No order as to costs.

(P.K. PRADHAN)  
MEMBER(A)

(DR. K.B. SURESH)  
MEMBER(J)

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ANNEXURES referred to by the applicant in OA. No.956/2016

Annexure-A1: Copy of pension order dated 18.07.2008  
Annexure-A2: Copy of revised undertaking form  
Annexure-A3: Copy of statement of Recovery  
Annexure-A4: Copy of representation dated 18.01.2016  
Annexure-A5: Copy of representation dated 11.04.2016  
Annexure-A6: Copy of representation dated 02.05.2016  
Annexure-A7: Copy of information under RTI dated 16.05.2016  
Annexure-A8: Copy of Railway Board's letter dated 21.04.1999  
Annexure-A9: Copy of Railway Board's letter dated 19.05.1999  
Annexure-A10: Copy of Railway Board's letter dated 01.03.2004  
Annexure-A11: Copy of Railway Board's letter dated 18.10.2004  
Annexure-A12: Copy of Railway Board's letter dated 12.10.2006  
Annexure-A13: Copy of Railway Board's letter dated 24.07.2007  
Annexure-A14: Copy of Railway Board's letter dated 07.02.2008  
Annexure-A15: Copy of Railway Board's letter dated 15.09.2009  
Annexure-A16: Copy of Railway Board's letter dated 07.06.2011  
Annexure-A17: Copy of Railway Board's letter dated 26.08.2011  
Annexure-A18: Copy of Railway Board's letter dated 02.11.2012  
Annexure-A19: Copy of DoP&T's O.M dated 19.11.2014  
Annexure-A20: Copy of Railway Board's letter dated 11.02.2014  
Annexure-A21: Copy of Railway Board's letter dated 19.12.2014  
Annexure-A22: Copy of Railway Board's letter dated 22.06.2016  
Annexure-A23: Copy of DoP&T's O.M dated 06.02.2014  
Annexure-A24: Copy of DoP&T's O.M dated 02.03.2016  
Annexure-A25: Copy of circular of Reserve Bank of India dated 17.03.2016

Annexures referred to by the Respondents in the Reply Statement

Annexure-R1: Copy of the undertaking and option form submitted by the applicant on 23.06.2008  
Annexure-R2: Copy of working sheet for calculation of the pensionary benefits showing the recovery towards RELHS

Annexures with Rejoinder

Annexure-Re-26: Copy of guidelines dated 07.03.2011  
Annexure-Re-27: Copy of Schedule of Powers – 2013  
Annexure-Re-28: Copy of Rule-89 of Pension Manual – 1993.

Annexures with MA for recalling the order

Annexure-MA-R1: Copy of Railway Board letter dated 26.09.2017  
Annexure-MA-R2: Copy of Letter No. A/PN/HQ/Bank insp/12 dated 22.09.2015

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