

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**Original Application No. 195/2017
Date of Order : 10.01.2018**

Between :

S.Ramana Rao, S/o Late S.Sudarssan Rao,
Aged 85 years,
H.No.23/44, R.K.Nagar, 4th Line,
Malkajgiri, Hyderabad – 500004. ... Applicant.

And

1. Union of India, rep. by
The General Manager,
South Central Railway, Rail Nilayam, 3rd Floor,
Secunderabad – 500 025.
2. The Financial Advisor & Chief Accounts Officer,
South Central Railway,
Rail Nilayam,
Secunderabad – 500 025.
3. The Chief Personnel Officer,
South Central Railway, Rail Nilayam, 4th Floor,
Secunderabad – 500 025.
4. The Chief Manager (Link Branch),
Bank of Maharashtra, Veerasavarkar Marg,
KCG Hyderabad, Hyderabad.
5. The Manager, Bank of Maharashtra,
Safilguda Branch, Hyderabad,
Telangana State. ... Respondents.

Counsel for the Applicant ... Mr.N.Subba Rayudu, Advocate
Counsel for the Respondents ... Mrs.KMJD.Shyama Sundari, S.C. For R-1 to R-3
Mr.Mirza Safiulla Baig, for R-4 & R-5

CORAM:

Hon'ble Mr. K.N.Shrivastava ... ***Member (Admn.)***

ORAL ORDER

{ As per Hon'ble Mr.K.N.Shrivastava, Member (Admn.) }

The applicant joined as a Group-D employee in the respondents South Central Railway on 16.09.1957. He retired from service on 30.06.1990 from the post of Clerk on attaining the age of superannuation. He has been getting his regular pension since then. After the implementation of 6th CPC recommendations, his pension was revised by the respondents to Rs.6,750/- vide Anx-A-3 letter dated 16.01.2009. The respondents later on realized that the pension of the applicant has been wrongly fixed at Rs.6,750/- considering that the Grade Pay applicable to him as Rs.4,200/-, whereas the Grade Pay applicable was Rs.2,800/- only. Accordingly they refixed his pension at Rs.5,585/- vide Anx-A-2 letter dated 18.08.2014. This refixation of pension has resulted in to recovery towards the excess payment made.

2. The contention of the applicant is that he has not indulged in any misrepresentation for getting his pension fixed at higher level. The mistake has occurred in the office of the respondents and the same has since been corrected by the respondents by issuing Anx-A-2 letter. In the interregnum, the respondents have already recovered the excess payment of Rs.2,78,630/- from the applicant as is evident from the extract of the pass book of the applicant (page-19) maintained in the office of Respondent No.4. This recovery was completely in violation of the ratio of law laid down by the Hon'ble Apex Court in the case of State of Punjab & Ors. Vs. Rafiq Masih (White Washer) in C.A.No.11527 of 2014 arising out of SLP (C) No.11684 of 2012.

3. The official respondents (R-1 to R-3) were well within their right to refix the pension of the applicant taking into consideration the correct Grade Pay applicable to him. But they were certainly not justified in ordering recovery of the excess payment made to the applicant in the interregnum in view of the law laid down by the Hon'ble Apex Court in Rafiq Masih (Supra).

4. In the conspectus of the discussions in the foregoing paras, this OA is allowed. The official respondents (R-1 to R-3) are directed to refund the recovered excess amount of Rs.2,78,630/- to the applicant. This shall be done within a period of two months from the date of receipt of a copy of this order.

5. There shall be no order as to costs.

(K.N.SHRIVASTAVA)
MEMBER (ADMN.)

Dated : 10th January, 2018
(Dictated in Open Court)

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