

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

OA./21/1634/2015

Dated: 25/1/2018

BETWEEN:

K. Rajaiah,
S/o. K. Kistaiah,
aged about 75 years,
Occ: H.S. Grade-I (Retired)
O/o. The Dy. CSTE (Shops),
South Central Railway,
Mettuguda, Secunderabad.

..... Applicant

AND

1. Union of India rep. by
The General Manager,
South Central Railways,
Rail Nilayam, Secunderabad.
2. The Deputy CSTE (Shops),
Signal & Telecom, Workshops,
Mettuguda, Secunderabad.
3. The Dy. FA& CAO, South Central Railway,
Workshop, Lalaguda, Secunderabad – 500 017.
4. The Chief Manager, (CPPC),
State Bank of Hyderabad, Methodist Complex,
Gunfoundry, Abids, Hyderabad.

..... Respondents

Counsel for the Applicant : Mr. K. Siva Reddy, Advocate
Counsel for the Respondents : Mr. T. Hanumantha Reddy, SC for Rlys.

CORAM

Hon'ble Mr. Justice R. Kantha Rao, Judicial Member
Hon'ble Mrs. Minnie Mathew, Administrative Member

ORAL ORDER

{Per Hon'ble Mr. Justice R. Kantha Rao, Judicial Member}

Heard Mr. K. Siva Reddy, learned counsel appearing for the applicant and Mr. Jose Kollanoor representing the learned Standing Counsel for the Respondents.

2. The brief facts relevant for considering the present OA are that the applicant while working as H.S. Grade-I in the Department of the Respondent Railways took voluntary retirement after completing 27.6 years of service and he has eligible and qualified service for pensionary benefits. His pension is revised from 1875 to 4755/- as per the recommendations of the V Pay Commission on 12.12.2009 and the same was communicated to the Bank for disbursement of the pension by the Respondent No.3. However, again the Respondent No.3 issued proceedings to the Bank on 23.12.2009 wherein unilaterally and without giving notice he has revised the pension from 4755 to 4239/-. According to the applicant he is entitled for the pension of Rs.4755/- as per the recommendations of the V Pay Commission and the amount of pension was arbitrarily reduced without notice. The Respondents also proposed to recover the pension amount which according to them was paid in excess. This Court however, issued an order directing the respondents not to recover any amount from the pension of the applicant.

3. The version of the respondents is that the recovery which was proposed by them was due to the revision of pension and the same is correct. The recovery proposed by them is said to be as per rules. On the

other hand, the contention of the applicant is that as per the law laid down by the Supreme Court, the respondents are not entitled to recover any pension amount from the applicant and also that the applicant is entitled for pension amount of 4755/-. The applicant has also relied on the decision of the Central Administrative Tribunal, Principal Bench in OA.1165/2011 with OA.2165/2011 at Annexure –AVI wherein it was held that the applicants therein are entitled for the pension which was initially granted basing on the recommendation of the V Pay Commission. In these circumstances, we dispose of the present OA with the following directions:

- 1) That the respondents shall not recover any amount of pension from the applicant on the ground that it was paid in excess.
- 2) Respondents shall issue notice to the applicant, receive his representation, afford opportunity of personal hearing and then re-fix the pension as per the judgment of the Principal Bench in OA.1165/2011 with OA.2165/2011.

4. With the above directions, the OA is disposed of. The respondents shall complete the above exercise within a period of two months from the date of receipt of a copy of the order. In view of disposal of the OA, MA.226/2016 is closed. No order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

Dated the 25th January, 2018
(Dictated in the Open Court)

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