

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR**

ORGINAL APPLICATION NO. 200/00800/2016

Jabalpur, this Tuesday, the 2nd day of January, 2018

**HON'BLE MR.NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR.RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Purshottam Ramdas Sali, S/o Shri Ramdas Sali,
Aged about 81 years, Retd.Switch Man,
R/o Mata Chowk, Pratap Nagar,
Teh.& Distt.Khandwa (M.P.)450001
(By Advocate – None)

- APPLICANT

Versus

1. Union of India through Secretary
Ministry of Railways, New Delhi-110001

2. Financial Adviser & Chief Accounts Officer,
Central Railway, Mumbai, C.S.T.40008

3. Financial Adviser & Chief Accounts Officer,
(Pension)Central Railway, Bhusawal-425201

4. Financial Adviser & Chief Accounts Officer,
(Pension)Western Central Railway,
Jabalpur (MP)482001

5. The Zonal Manager, Bank of Maharastra,
Indore Zone, Indore-452001

- RESPONDENTS

(By Advocate – Shri A.S.Raizada)
(*Date of reserving the order:22.12.2017*)

O R D E R

By Navin Tandon, AM-

The applicant is aggrieved by the recovery of an amount of Rs.70,110/- from his pension pertaining to the period from January 2006 to November,2014.

2. The brief facts of the case are that the applicant joined his services under the respondent-department on 25.05.1963 and he retired from service on 31.05.1994, while working as Switchman in Central Railway Bhusawal Division. His superannuation pension was fixed at Rs.601/- per month vide PPO dated 17.06.1994. Thereafter his pension was revised on implementation of 5th & 6th Central Pay Commissions' recommendations. The applicant submits that he learnt from a letter dated 22.02.2016 (Annexure A-2) that audit of railway pension was carried out by Railway Inspection Team and that pursuant to audit objection, Bank of Maharashtra, issued the letter to respondent No.6 indicating the name of the applicant from whom recovery of over payment amounting to Rs.70,110/- is to be made. In pursuance to said letter dated 22.2.2016 (Annexure A-2) respondent No.6 issued an order dated 21.4.2016 (Annexure A-3) of recovery of Rs.70,110/- intimating him that excess payment of pension will be made in monthly instalment from his pension account.

3. The applicant in this Original Application has sought for the following reliefs:

8(i) That this Hon'ble Court may kindly be pleased to call for the records of the case for its kind perusal.

(ii) That this Hon'ble Court may kindly be pleased to quash the impugned order dated 21.04.2016 vide Annexure A-3.

(iii) That this Hon'ble Court may kindly be further pleased to issue appropriate writ/directions directing the respondent authorities to refund to the applicant the amount recovered so far from his pension along with interest at the current market rate thereon till actual payment is made; and

(iv) Any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case may also be awarded along with cost of litigation.

(v) Award cost of the litigation to the applicant".

4. The respondents by filing M.A.No.200/00850/17 on 28.11.2017, have submitted that the respondents have already redressed the grievance of the applicant and have passed an order dated 15.09.2016 (Annexure R-1) directing the concerned bank to refund back the amount of recovery to the applicant. They have further submitted that the concerned bank has also intimated vide Annexure R-2 dated 20.09.2016 that payment of wrongly deducted amount to the applicant is being made shortly. The respondents have, therefore, prayed that the Original Application be dismissed as having become infructuous.

5. No one was present on behalf of the applicant on the last date of hearing i.e. on 08.12.2017 and, therefore, the matter was posted for 22.12.2017 with an observation that in case the applicant is not present on that date, the case will be heard ex parte in the absence of any representation on behalf of the applicant under Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987. Since

none was present on behalf of the applicant on the date of hearing i.e. 22.12.2017 and Shri A.S.Raizada, learned counsel for the respondents was present, the matter was taken up for hearing in the absence of the applicant by invoking the provisions of Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules,1987.

6. Heard the learned counsel for the respondents and carefully perused the pleadings raised by the applicant in his Original Application and the submissions made by the respondents in their MA No.200/00850/2017.

7. On careful perusal of the pleadings we find that that the respondents vide their letter dated 15.9.2016 (Annexure R-1) had already asked the concerned bank to refund back the amount, if any, recovered from the applicant. The concerned Bank vide their letter dated 20.09.2016 (Annexure R-2) intimated that payment of wrongly deducted amount to the applicant is being made shortly. Thus, the Original Application has become infructuous.

8. Accordingly, the Original Application is dismissed as having become infructuous.

(Ramesh Singh Thakur)
Judicial Member
rkv

(Navin Tandon)
Administrative Member