

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

**Review Application No.290/00012/2018
(OA No.290/00467/2016)**

Jodhpur, this the 20th day of November, 2018

CORAM

Hon'ble Mrs. HINA P.SHAH, Judicial Member

Uma Rathore W/o Late Sh. Anand Kumar, R/o 23-A-16,
Bapu Nagar, Bhilwara (Raj.)

.. Respondent/Applicant

Versus

1. Union of India through the General Manager, North Western Railway, H.Q. Jaipur
2. The Senior Divisional Finance Manager, Western Railway, Ratlam (Madhya Pradesh).
3. Deputy Financial Advisor & Chief Accounts Officer (W&S), North-Western Railway, Ajmer (Raj.)
4. Chief Manager, State Bank of Bikaner and Jaipur, CPCC, SMS Highway, Jaipur (Raj.)
5. Branch Manager, State Bank of Bikaner and Jaipur, Branch Bhopalganj, Bhilwara (Raj.)

.. Applicants/Respondents

ORDER (By Circulation)

The present Review Application has been filed on behalf of respondent Nos. 1 to 3 in OA No.290/00467/2016 seeking review/recall of the order dated 5.10.2018 passed in the said OA. They have prayed that the order dated 5.10.2018 may kindly be reviewed after considering issues

raised in the review application which are in fulfilment of grounds for reviewing the order.

2. The applicants in the Review Application have averred that this Tribunal vide Para 10(i) of the aforesaid judgment disposed of the OA with the following directions:-

"(i) Recovery of Rs. 4,54,601/- ordered vide order dated 6.10.2015 (Ann.A/1) is held illegal and hereby quashed and set aside. The amount recovered from the applicant so far from her pension account shall be refunded to her by the respondents within a period of three months from the date of receipt of a copy of this order."

Whereas in para 8 this Tribunal has observed as under:-

"PPO was sent by respondent No.3 to respondent bank, but it is mistake of respondent bank to pay the enhanced family pension. I do not find any fault in the action of the respondents in rectifying the mistake, which was committed in fixing the family pension of the applicant at the time of revising the pension pursuant to implementation of 5th and 6th CPC recommendations w.e.f. 1.1.1996 and 1.1.2006."

Hence, the conclusion refers the mistake of the bank in erroneous enhancement of pension despite issuance of PPO with specific instructions indicating the manner of disbursement, which was already sent to the bank and, in view of this error on face, the order dated 5.10.2018 may be reviewed.

3. I have gone through the Review Application and the order passed in the OA. As observed in para 8 of the order, it is clear that it is the mistake of the respondent bank, therefore, it is pertinent to clarify that since the respondent bank has disbursed the enhanced family pension to the applicant for a long time without any authorization and without following the instructions in the PPO, the respondent Nos. 4 and 5 are liable to refund the amount to the applicant. Therefore, the order dated 5.10.2018 is recalled only to the extent that in para 10(i) of the order dated 5.10.2018 passed in OA No.290/00467/2016, the words "refunded to her by the respondents" shall be substituted as "refunded to her by the respondent Nos. 4 and 5".

4. The Review Application is disposed of in above terms by circulation.

(HINA P.SHAH)
JUDL. MEMBER

R/