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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

NIZAM PALACE, KOLKATA

O.A. No. 350/1167 of 2016

Sri Sunil Kumar Sabui, son of
Late Ranjit Kumar Sabui,
Namare Bagan 3rd Lane, P.O
Gondalpara, Chandernagore,
Hooghly, Pin-712137 ;

...Applicant

-Versus-

1. Union of India, service through
the Chairman, Ordinance Factory
Board, AYUDH Bhawan, 10A S.K
Bose Road, Kolkata 700001
2. The Principal Controller of
Defense Account (Pension),
Allahabad, Ministry of Defense,
Government Of India, Daupadi

Alc

Ghat, Allahabad, Uttar Pradesh
pin 211014;

3. United Bank Of India, a body
corporate, service through the
General Manager (the Chief
Grievance Redressal Officer),
Hemanta Basu Sarani, Kolkata
700001

4. The Branch Manager, United
Bank Of India, Tematha Branch,
P.O Chandernagore Dist Hooghly
712136

...Respondents

all

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/01167/ 2016

Date of order: 10.05.2018

Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member

For the applicant : Mr. N.P. Biswas, counsel

For the respondents : Mr. B.P. Manna, counsel

ORDER

Mr.A. K. Patnaik , Judicial Member

The Applicant: Shri Sunil Kumar Sabui, a retired Fitter High Skilled of Rifle Factory, Ichapur, North 24 Parganas, WB has filed this Original Application U/s 19 of the A.T. Act, 1985 in fact challenging the action of the United Bank of India, Tematha, Chandernagore Branch, West Bengal in making recovery/deduction from his pension for the same being legal and arbitrary.

2. Respondent Nos. 1 & 2 have stated that no such letter has been issued from their side directing the Bank to recover/deduct any amount from the pension of the applicant.
3. Heard respective parties and perused the records.
4. The applicant himself has produced a copy of the letter dated 13 November, 2015(Annexure-A/4) which was issued by the United Bank of India to the applicant in consideration of representation dated 7/11/2005 made by the Applicant as against the recovery/deduction from his pension. The said letter dated 13 November, 2015(Annexure A/4) is reproduced herein below:-

"Sub : Reduction of monthly pension by downward revision and for recovery of excess payment of pension against you PPO No.C/Fvs/021572/2000

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Ref : Your letter dated 07/11/2005 addressed to our General Manager, Sri V. Gandotra/The Chief Grievance Redressal Officer & Principal Nodal Officer.

We hereby acknowledge receipt of your letter under reference addressed to our General Manager, Sri V. Gandotra/The Chief Grievance Redressal Officer & Principal Nodal Officer.

We have gone through your account and observed that an amount of Rs.4.45 lakh has been paid excess to you over the last 6 years or so. We come to learn from the Branch that the fact of such excess payment was detected by them in the month of July, 2015 when they received a Corrigendum PPO No.C/Corr/6th CPC/136236/2014 dated 11th May, 2015 from Principal Controller of Defence Authority, Allahabad. The Branch has immediately revised your pension and prepared a 'Due & Drawn Statement' which reveals that overpayment of an amount of Rs.4.45 lakhs has so far been made to you. Accordingly your pension has been rectified and your current Basic pension has become Rs.6750/- and as of now your gross pension is Rs.15283/-.

According to pension rule and on the strength of the "Letter of Undertaking" executed by you at the time of commencement of pension. Our Tematha Chandernagar Branch has started realization of Rs.3098/- per month from August, 2015 towards adjustment of the same with overpayment.

In terms of the Reserve Bank of India directive, any overpayment of pension and/or pensionary benefit is to be paid back to the Government Account in one lumpsum. In this case, you are liable to pay back the entire excess payment of pension at a time. Until you pay back in lumpsum, the branch will continue to make recovery of the amount by monthly instalments. As per pension rule, Bank can realize 1/3rd of pension per month. Hence, the action the Branch has taken in your case is as per the rules of pension and RBI directives.

However, if you have any dissatisfaction about the "Due & Drawn Statement", you may contact the branch for any clarification.

5. From the above, it is clear that the grievance of the applicant lies against the Bank for recovery of the excess amount inadvertently paid to the Applicant. Therefore, the primary question for consideration as to whether the Tribunal has any jurisdiction to decide a dispute arose between the applicant and Bank relating to recovery/deduction of amount to which although the applicant was not entitled to but inadvertently paid to him by the said Bank and my considered view is negative because this Tribunal lacks jurisdiction and competency to direct any Bank to stop recovery of any amount inadvertently paid even to a pensioner. Had it been the case that the recovery was at the behest of the Respondent Nos.1 or

10/10

2, certainly this Tribunal is competent to decide the same but not the present case in hand.

6. In view of the above, this OA stands dismissed. No costs.

(A. K. Patnaik)
Judicial Member

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