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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA No. 350/1334/2016

Date of order: 6/6/2017

Coram:

THE HON'BLE MR.A.K.PATNAIK, JUDICAL MEMBER

Sri Bhola Nath
V/S
Union of India & Others

For the Applicant : Mr.K.Sarkar, Counsel
For the Respondents: Mr.A.K.Banerjee, Counsel

ORDER

This OA has been filed by the Applicant under section 19 f the Administrative Tribunals Act, 1985 in which he has prayed for the following reliefs:

- "(i) To issue appropriate necessary direction upon the respondents and their men and agents to cancel, quash and set aside the impugned order dated 10.05.2016 forthwith;
- (ii) To issue further direction upon the respondents to pay the person @ Rs. 6750/- with effect from 01.01.2006;
- (iii) To pass any other order or orders as the Hon'ble Tribunal deem fit and proper."

2. Heard Mr.K.Sarkar, Learned Counsel for the Applicant and Mr. A.K.Banerjee, Learned Counsel appearing for the Respondents and perused the records.

3. As it appears from record, the Applicant retired from service on 31.12.1994. The revised pension payment Authority for pre 2006 pensioners/family pensioners w.e.f. 1.1.2006 was issued by the Respondent Department on

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03.12.2015. But the Bank authority went on paying the pension at a higher rate. The order date 03.12.2015 has again been reiterated vide order dated 10.05.2016. Based on the said order dated 10.05.2016 when the Bank started recovery of the excess payment made due to wrong fixation of pension at a higher rate the Applicant objected to the same. Being aggrieved by such action of the Bank authority the Applicant submitted representation and alleging in action he has preferred this OA. The applicant has sought to quash the order dated 10.05.2016 but no convincing reason has been adduced in support thereof.

As I find, virtually, the applicant in this OA seeks to challenge the recovery which is sought to be made by the Bank due to their action. It has been alleged that recovery of excess payment to employees due to wrong fixation of pay not on account of any misrepresentation by employee. Any wrong fixation that was said to have been made earlier shall not sought to be recovered after retirement; especially when it is not the case of the respondents that the wrong fixation was done at the instance of the applicant by way of misrepresentation. From the above it is clear though the amount was paid by the Bank wrongly it should not be recovered from him. I am not convinced on the stand of the applicant. Be that as it may, since the challenge of the applicant against the recovery of the excess payment made by the Bank, this Tribunal lacks jurisdiction to entertain this OA.

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4. Hence without expressing any opinion on the merit of the OA, this OA stands dismissed due to lack of jurisdiction.

No costs.

(A.K.Patnaik)
Judicial Member