

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No.706/2017**

**Date of Decision: 10.10.2018.**

***CORAM:HON'BLE SHRI R.N. SINGH, MEMBER (J)***

Shri Kayyum Sardar Bagwan, Age 61

S/o Sardar Hojikasam Bagwan,

Retired Govt. Servant.

R/at Vairan Bazar, Husen Complex,

3<sup>rd</sup> Floor, Miraj 416 410.

***(Advocate Shri R.B. Kadam)***

... ***Applicants***

**VERSUS**

1. Union of India, through Secretary,  
Department of Posts,  
Ministry of Communications & IT,  
Dak Bhavan, Sansad Marg,  
New Delhi 110 001.

2. The Chief Postmaster General,  
Maharashtra Circle, Mumbai GPO,  
Mumbai 400 001.

3. The Postmaster General,  
Pune Region, Pune 411 001.

4. The Director of Accounts (Postal),  
Nagpur – 440 001.

5. The Supdt. of Railway Mail Service,  
'B' Division, Pune 411 001.

***(Advocate Shri R.R. Shetty)***

... ***Respondents***

**ORDER** (Oral)

*Per : Shri R.N. Singh, Member (J)*

Heard the learned counsels for the parties. Learned counsel for the Applicant submits that the applicant while working as Grade I Officer in Higher Selection Grade (HSG-I) in 'B' Division Pune of the

respondents took voluntary retirement from Government service w.e.f. 09.01.2015. The learned counsel for the applicant further submits that on his such voluntary retirement, all retiral dues were paid to the applicant. As per the applicant, his pension was also correctly fixed taking into account Rs.90/- as a special pay. The grievance of the applicant in the present OA is that even without putting the applicant to notice, the respondents have abruptly issued the following impugned orders "i) Revised Accounts Enforcement order no.Group E/16110/1/2/2015/4872 dated 09.11.2015 (Annexure A-1), ii) Corrigendum Pension Payment order No.78815/1/Groupe E dated 09.11.2015 (Annexure A-2) issued by Respondent No.4 putting the applicant to disadvantageous position in as much as the pension was reduced and order was passed for recovery.

**2.** It is the admitted case of the parties that before issuing this order of reducing the pension of the applicant and for making recovery of the alleged excess amount from the applicant, the applicant has not been put to notice, no show-cause notice has been

issued to him. In the facts and circumstances, it is found that the orders of the respondents are in violation of the principles of natural justice and therefore the same are bad in the eyes of law. Accordingly the impugned orders are quashed and set aside. However, liberty shall be there with the respondents to take action qua revision of the pension of the applicant after issuing show-cause notice to the applicant and after considering his representation in response to the show-cause notice.

**3.** In the aforesaid terms, the OA is disposed of. No order as to costs.

**(R.N. Singh)**  
**Member (J)**

*dm.*