

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

**ORIGINAL APPLICATION NO.27/2016**

**Date Of Decision:- 21<sup>st</sup> June, 2018.**

**CORAM: HON'BLE SHRI. R. VIJAYKUMAR, MEMBER (A) .**

**Uttamrao Namdeo Wagh**

Aged:- 71 years, Occu: Retired,  
Lucky Society Room No.9,  
Dwarka, Nashik-Pune Road,  
Nashik 422001.

**....Applicant**

**(Applicant by Advocate Shri.P.N.Wagh)**

**Versus**

**1. Union of India, through**

The the Office  
Chief Manager, F.A. & C.A.O.,  
at CST Railway Station, Central Railway,  
Mumbai 400 001.

**2. Divisional Railway**

Manager (P), Central Railway  
Bhusawal Division, Bhusawal  
Dist: Jalgaon 425201.

**3. Chief Manager**

Bank of Maharashtra,  
Central Office,  
Lokmangal, 1501, Shivaji Nagar,  
Pune 411005.

**4. The Manager,**

Bank of Maharashtra,  
Jalgaon City Branch, Jalgaon 425001.  
Maharashtra.

**...Respondents**

**(Respondent No.1&2 by Advocate  
Shri.V.D.Vadhavkar and Respondent No.3&4 by  
Advocate Shri.D.Y. Wani)**

**ORDER (ORAL)**

1. Today, when the matter was called out for hearing, Shri. N.K.Rajpurohit, learned proxy counsel appeared on behalf of Shri. P.N.Wagh, learned counsel for applicant. Shri. V.D.Vadhavkar, learned counsel for Official Respondent Nos.1&2 and Shri. D.Y.Wani, learned counsel for Private Respondent Nos.3&4.

2. The Hon'ble High Court set aside the orders of this Tribunal on dismissal of this application in default of the regular non-appearance of the counsel for applicant. Interim relief by stay of recovery was also restored. Since the applicant was also absent, he was called thrice including outside the premises of the Court but he was not available. This case has been remitted by the Hon'ble High Court on the specific assurance of the learned counsel for Petitioner (Applicant) that they will not seek unnecessary adjournments or otherwise delay dismissal of the OA. From the behavior of the

Senior counsel of the applicant, it is evident that he is not in any mood to abide by the orders of the Hon'ble High Court and to assist this Court in expeditiously disposing of the application. At this stage Shri. N.K.Rajpurohit, learned proxy counsel urged that the matter could be adjourned for the next date but these are the matters that should be taken seriously especially by a Senior Counsel engaged by the applicant and not in casual manner the flippant that has been discovered in then proceedings after enjoying interim relief for such a long time.

**3.** It is also noted during brief discussions on the case that in this case, the error in excessive disbursal has arisen because the Respondent Nos.3&4, who are the bankers selected by the applicant for receiving his pension made an error and disbursed in excess of the amounts directed to be paid in accordance with the orders of Respondent Nos.1&2. In such a case, no fault can lie

with the Principals who are the Respondents Nos.1&2 and who specifically directed the Respondent Nos. 3&4 to go by the orders communicated to them. Any recoveries made by the Respondent Nos. 1&2 are a matter between them as Principal and the bankers as Contractors and there is no involvement of the pensioner in The relationship. What remains is a dispute between the bank and a savings account holder which also doubles as a pension account and in such circumstances, it is the business of the bank to decide whether they would like to write off the amount or to ask for payment on demand in accordance with the statutes and rules relevant to banking and then to seek the appropriate jurisdiction which cannot be this Tribunal. In this connection, this Tribunal has also passed orders in a recent case of OA No.701/2016 decided on 02.02.2018 and on the peculiar facts as ascertained during this meeting, it would be appropriate to direct the attention

of respondents and applicant to the ratio of these orders and to proceed accordingly.

4. In the meantime, this application is dismissed again for default for non-participation of the applicant and his learned counsel and also as determined during ex-parte discussions, although proxy counsel was present, that this Tribunal has no jurisdiction in bank-customer disputes.

5. In view of the above, Interim orders that were restored by the Hon'ble High Court also cease to have effect and are accordingly withdrawn.

**(R. Vijaykumar)**  
**Member (A)**

*srp*