

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00754/2017

DATED THIS THE 30TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Smt. Padmini Devi,
W/o late R. Venkatesh Babu
No. H-D 21, PWD Quarters,
5th Main, 12th Cross,
Jayamahar Extension,
Benison Post, Bangalore – 560 046
.....Applicant

(By Advocate Shri N. Obalappa)

Vs.

1. The Union of India
Represented by its Secretary,
Ministry of Information and Broadcasting,
'A' Wing, Shastry Bhavan,
New Delhi – 110 001.

2. The Union of India
Represented by its Secretary
Ministry of Personnel, Pensions &
Public Grievances, North Block,
New Delhi – 110 001.

3. The Chief Executive Officer,
Prasar Bharati, II Floor,
PTI Building, Parliament Street,
New Delhi – 110 001.

4. The Director General,
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi – 110 001.

5. The Director General,
Doordarshan, Doordarshan Bhavan,
Copernicus Marg,
New Delhi – 110 001

6. The Dy. Director (E),
Doordarshan Kendra,
Tirupati – 517 501

7. The Dy. Director General,
Doordarshan Kendra,
J.C. Nagar,
Bangalore – 560 006

8. The Pay & Accounts Officer,
IRLA, Min of I & B,
Soochana Bhavan,
Lodhi Road, CGO Complex,
New Delhi – 110 003

....Respondents

(By Shri M.V. Rao, Senior Panel Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. A widow is before us. Apparently following our earlier order from 04.06.2012 to 13.04.2014 a revision of pay had been made in respect of her husband who had passed away. Now, as a result of this revision of pay, some deductions in pension is sought to be made. It must be noted in this connection that applicant will not be getting normal pension but the family pension which itself is a meagre amount. Therefore we will now come to the soul and spirit of the Whitewasher judgment of the Hon'ble Apex Court. The intention of the Hon'ble Apex Court in those cases were that for technical mistakes substantial injustice cannot be made to a party by the governance.

2. Shri M.V. Rao, learned counsel for the respondents, admits that no show cause notice was given to her and represents that at this point they may be allowed to withdraw the proposal for recovery and allow them to proceed on a show cause notice. Going by the dictates of the Hon'ble Apex Court in the Whitewasher judgment, it may not be necessary. The additional issue is that the applicant being a widow of the government employee may not be in a position to explain succinctly the reason why the recovery cannot be made. Even otherwise her family pension would be meagre it cannot, in the spirit of the judgment above mentioned, be a burden further. Therefore the recovery proposal and the consequences are hereby quashed.

3. The OA is allowed. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00754/2017

Annexure A1 Copy of the compliance report submitted by the 4th respondent

Annexure A2 Copy of the order of the Tribunal in O.A. No. 37/2017 dated 09.06.2017

Annexure A3 Copy of the revised pay fixation statement dated 18.04.2017

Annexure A4 Copy of the representation dated 13.06.2017

Annexure A5 Copy of the order of 3rd MACP issued by the 7th respondent

Annexure A6 Copy of the communication dated 31.07.2017

Annexure A7 Copy of the 1st due and drawn statement dated nil

Annexure A8 Copy of the 2nd due and drawn statement from 04.06.2012 to 13.04.2014

Annexure A9 Copy of the letter dated 08.08.2016

Annexure A10 Copy of the letter dated 29.05.2017

Annexure A11 Copy of the extract of rule 69 of CCS Pension Rules

Annexure A12 Copy of the Hon'ble Apex Court order dated 18.12.2014

Annexures with reply statement

Annexure R1 Copy of letter of Senior Accounts Officer dated 08.08.2016

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