

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA/310/01555/2017

Dated Monday the 17th day of December, Two Thousand Eighteen

PRESENT

Hon'ble Mr. R.Ramanujam, Member(A)

D.Dushyanthan,
S/o.Late. G.Dhandapani,
No.24/1, Krishnamurthy Street,
West Mambalam, Chennai 600 033.

.. Applicant

By Advocate M/s K.S.Govinda Prasad

Vs.

1. The Union of India
Rep., by the Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahid Jeet Singh Marag,
New Delhi 110 016.

2.The Joint Commissioner (Finance),
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shahid Jeet Singh Marag,
New Delhi 110 016.

3.The Asst. General manager,
State Bank of India, Code No.4470,
Centralized Pension Processing Centre,
No.112/4, Kaliamman Koil Street,
Virugambakkam, Chennai 600 033.

.. Respondents

By Advocate Mr.M.Vaidyanathan (R1 & R2),
M/s K.Chandrasekaran (R3)

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"(i)To call for the records/files relating to the impugned order of recovery bearing No.REV/Recvy-64200 dated 31.05.2017 issued by the 3rd respondent herein viz., The Asst. General Manager, State Bank of India, Code No.4470 Centralized Pension Processing Centre, No.112/4, Kalamman Koil Street, Virugambakkam, Chennai 600 033, quash the same as non-est in the eye of law and thus render justice

(ii)To direct the 1st respondent herein to refund to the applicant a sum of Rs.36000/- which has been unlawfully deducted from his pension amount for the period from 30.06.2017 to 30.08.2017 within a time frame that may be stipulated by this Hon'ble Tribunal and thus render justice."

2. It is submitted that the applicant had previously filed OA 786/2017 which was disposed of by an order of this Tribunal dated 07.06.2017 permitting the applicant to submit a detailed representation, on receipt of which the respondents were directed to pass a reasoned and speaking order as per law and in terms of the relevant rules and in the meantime to maintain status quo as on date with regard to the proposed recovery. Referring to this order, the applicant filed Annexure A-11 representation dated 07.06.2017 and followed it up with a notice from the advocate dated 26.07.2017.

3. The respondents had passed an order dated 10.11.2017 by which it was directed that no amount should be reduced from the pension payable to the applicant from the date of the judgment, i.e., 07.06.2017 and that a detailed and speaking order would be issued in due course. However, by an order dated 17.11.2017 the respondents

stated that the matter had been examined denovo in terms of Department of Pension & Pensioners' Welfare OM dated 06.04.2018 and the clarification received from the Ministry of HRD dated 18.10.2016. It had been concluded that the applicant's pension had been fixed as per Department of Pension and Pensioners' Welfare OM dated 28.01.2013 in a correct manner. No further reduction of pension was required in the instant case in terms of OM's of the Department of Pension & Pensioners' Welfare dated 22.01.2013 and 13.02.2013.

4. Learned counsel for the applicant would submit that the order is cryptic in as much as it is not clear how respondents arrived at the amount of Rs.2,50,318 as the calculations had not been shown. Further, there is no evidence of the case having been dealt with as per the law laid down by the Hon'ble Apex Court in the case of **State Of Punjab & Ors vs Rafiq Masih (White Washer)** dated 18.12.2014 which had been accepted by the DOP&T in their OM dated 02.03.2016. Also, the Principal Bench of this Tribunal in OA 2943/2017 by an order dated 03.08.2018 had ruled in favour of the applicant therein in an identical case.

5. The applicant is 83 years old and is keen for the resolution of the issue with the respondents themselves, as the matter is getting delayed in the Tribunal. Accordingly, the applicant would be satisfied if he is permitted to make a comprehensive representation once again

seeking disposal of his case in accordance with law.

6. Keeping in view the above submission and the fact that the reply of the respondents is also silent on whether or not the matter was considered in terms of the DOP&T OM dated 02.03.2016, the applicant is permitted to make a comprehensive representation within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation the respondents shall deal with the same in accordance with law and pass a reasoned and speaking order within a period of four weeks thereafter. If the matter is not disposed of within the time limit, further recovery from the applicant shall be held in abeyance till such order is issued.

5. OA is disposed of in the above terms.

M.T.

(R.RAMANUJAM)
MEMBER (A)
17.12.2018