

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.99/2019

Dated Friday, the 1st day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

A. Gnanambal

32/60 Sakthipuram

Railway Station Road

Chinnasalem 606 201.

... Applicant

By Advocate M/s Ratio Legis

Vs

1. Union of India rep. by

The General Manager

Southern Railway

Chennai 600 003.

2. The Principal Financial Adviser

Southern Railway

Chennai 600 003.

... Respondents

By Advocate Mr.P.Srinivasan

(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 relief:

“To call for the records related to the impugned order No. A6/Pen.Susp/IOB dated 12.03.2014 communicated by the bank on 05.10.2018, passed by the 3rd respondent and to quash the same and to direct the respondents to do the necessary to refund the amount so far recovered with interest and to pass such other order/orders.”

2. Learned counsel for the applicant would submit that the applicant is a family pensioner from whom a recovery has been made from the family pension of an amount of Rs.3,73,723/- on account of alleged overpayment. It is submitted that neither the applicant nor her late husband had made any misrepresentation that resulted in the alleged erroneous payment. Her late husband was a Group C employee and accordingly the applicant was entitled to the benefit of the order the Hon'ble Apex Court in the case of ***State Of Punjab & Ors vs Rafiq Masih (White Washer) dated 18 December, 2014 in CIVIL APPEAL No. 11527 of 2014 & Batch.***

3. The applicant made a representation dated 10.10.2018 to the competent authority in this regard which has remained unresponded to. In the mean time, the respondents have continued to deduct her family pension for the alleged excess payment. Accordingly, she seeks intervention of the Tribunal.

3. Mr.P.Srinivasan, senior standing counsel for Railways takes notice on behalf of the respondents.

4. We have considered the matter. Since it is submitted that the representation dated 10.10.2018 is still pending with the competent authority, we are of the view that the latter could be directed to consider it in accordance with law and pass a reasoned and speaking order in the light of the decision of the Hon'ble Apex Court in the case cited supra and the OM F.No. 18/03/20 1 5-Estt. (Pay-I) of the DOPT dated 02.03.2016 issued in acceptance thereof, within a period of two months from the date of receipt of copy of this order.

5. No further deduction shall be made from the family pension of the applicant till a decision is taken on the aforesaid representation in the manner directed.

6. The OA is disposed of with the above directions.

**(P.MADHAVAN)
MEMBERJ**

01.02.2019

M.T.

**(R.RAMANUJAM)
MEMBER (A)**