

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

CP(C) No.181/00073/18
in
Original Application No. 181/00035/2015

Friday, this the 1st day of February, 2019

CORAM:

**Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member**

1. P.K.Achuthan
S/o.Late K.R.Pillai, Aged 78 years
Retired Head Master of Government.JBS(N), Amini
Union Territory of Lakshadweep
Now residing at Sneham
Karthikapally, Vadakara, Kozhikode-673 542
2. K.Narayanan
S/o.Late Kunhiraman, aged 71 years
Retired Circle Inspector of Police
Union Territory of Lakshadweep
Now Residing at Sreyas, House No.EP-12/137
Near Ems Vayanashala, Aduthila
Payangadi, Kannur – 670 303
3. Lakshadweep Mainland Recruits Pensioners Association(LMRPA)
Represented by its General Secretary K.Narayanan
Residing at Sreyas, House No.EP-12/137
Near Ems Vayanashala, Aduthila
Payangadi, Kannur – 670 303

(By Advocate – Mr.S.Sujin)

V e r s u s

1. Shri.Farook Khan, Hon'ble Administrator
Union Territory of Lakshadweep
Kavaratti – 682 555 **Respondents**

(By Advocate – Mr.S.Manu & Mr.N.Anilkumar,SCGSC)

This application having been heard on 1.2.2019 the Tribunal on the same day delivered the following:

O R D E R (ORAL)**Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member**

Heard Mr.S.Sujin, learned counsel for the petitioners and Mr.S.Manu, learned Standing Counsel for the respondents.

2 When this Contempt Petition came up today, the learned counsel for the petitioners draws our attention to the reply affidavit, wherein Annexure A-11, a communication relating to "Excess Pension Payment", has been attached. It is stated therein that the pension has been reduced as per his correct entitlement and the excess payment effected will be recovered from the applicant concerned. This is a communication issued by the disbursing Bank viz; Syndicate Bank who is not a party either in O.A or in C.P(C).

3. In so far as the matter of 'Contempt' of our direction is concerned, it is seen that the official respondents in the Original Application as well as CP(C) have correctly stated thus:.

" Therefore, it is to inform that the following pensioners who are receiving pension from your bank branches are entitled to draw only the reduced pension from date of receipt of revised authority from Central Pension Accounting Office, New Delhi according to PAO's revised Special Seal Authority, but the excess amount already drawn up to the date of receipt of revised authority cannot be recovered and it leads contempt of court. So, if any excess amount recovered including above mentioned period from below mentioned pensioners that may be refunded to concerned pensioner urgently. The details of applicants and date of our revised Special Seal Authority without reckoning island special pay are furnished in the enclosed Annexure. "

4. Looking at the scope available to us in the Contempt Petition, we see that there is no further relief to be granted from the side of the official respondents in the CP(C). Any relief, if necessary, will have to be secured from the pension disbursing Bank who is not a party before us. Under the circumstances, CP(C) is closed and notices shall stand discharged.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

Annexure A1 - True copy of the order dated 24.3.2015 in O.A No.181/00035/2015

Annexure A2 - True copies of the notices issued on 1.6.2018 to Shri.K.Narayanan

Annexure A3 - True copy of the notice issued on 1.6.2018 to Shri.K.K.Damodaran

Annexure A4 - True copy of the notice issued on 1.6.2018 to Shri.Velayudhan.V.V

Annexure A5 - True copy of the notice issued on 1.6.2018 to Shri.Badarudeen

Annexure A6 - True copy of letter dated 9.8.2018 issued to the 1st respondent to the Chief Manager, Syndicate Bank, Karnataka

Annexure A7 - True copy of the ISP list of 14 members of the 1st respondent

Annexure A8 - True copy of a representation submitted by one of the members of the 3rd applicant association on 10.7.2018

Annexure A9 - True copy of a representation submitted by one of the members of the 3rd applicant association on 1.8.2018

Annexure A10 - True copy of letter dated 1.6.2018 issued by the Syndicate Bank to a Family Pensioner

Annexure A11 - True copy of the letter dated 1.6.2018 issued by the Head Office of the Syndicate Bank to Smt.Ammukutty Amma

Annexure A12 - True copy of the letter dated 1.6.2018 issued to yet another member of the 3rd respondent

Annexure A13 - True copy of the letter dated 23.12.2013 issued from the office of the Senior Accounts Officer (Legal Cell), Ministry of Finance.

Annexure R1(a) - True copy of the letter F.No.1/04/2012-PAOL dated 23.10.2018 issued by the Pay and Accounts Officer, Principal Pay and Accounts Office, Kavaratti to the Chief Manager, Syndicate Bank, Head Office, Manipal

Annexure R1(b) - True copy of the letter F.No.1/04/2012-PAOL dated 23.10.2018 issued by the Pay and Accounts Officer, Principal Pay and Accounts Office, Kavaratti to the Manager, State Bank of Travancore, Thiruvananthapuram

Annexure R1(c) - True copy of the letter F.No.1/04/2012-PAOL dated 23.10.2018 issued by the Pay and Accounts Officer, Principal Pay and Accounts Office, Kavaratti to the Chief Manager, Canara Bank, Malleswaram, Bangalore

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