

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. NO.1990 of 2018

Orders reserved on : 24.09.2019

Orders pronounced on : 27.09.2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Gurdev Singh Minhas, aged 73 years,
S/o Sh. Lashkar Singh,
Retired Assistant Engineer from MES
R/o B-157A, Gali No.10, Sai Kunj,
Near Palam Vihar, Phase-III,
Gurgaon-122017.

.... Applicant

(By Advocate : Shri Yogesh Sharma)

VERSUS

1. Union of India through the Secretary,
Ministry of Defence Govt. of India,
New Delhi
2. The Chief Engineer,
MES Head Quarter, Delhi Zone,
Delhi Cantt. 10.
3. The Principal C.D.A. (Pension)
Ministry of Defence, Allahabad
4. The Sr. Branch Manager,
Bank of Baroda, Vasant Vihar,
New Delhi

..... Respondents

(By Advocate : Shri M.S. Reen for R-1 to R-3
Sh. Amil Chawla for Sh. Aatreya Singh for R-4)

ORDER

Heard learned counsel for the parties.

2. By filing this OA, the applicant is seeking the following reliefs:-

- (i) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 26.3.2018 (A/1) and declaring to the effect that the same is illegal, arbitrary and discriminatory and consequently pass an order directing the respondents to restore the earlier pension of the applicant with all the consequential benefits including arrears of difference of pension with interest.
- (ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to re-fix the pension of the applicant from the date of retirement as per the revised pay order dated 16.11.2017 with all the consequential benefits w.e.f. 1.1.2006 in Grade Pay of Rs. 4600/- and not to recover any amount from the pension of the applicant in compliance of the impugned order and also refund the same if already recovered with interest.
- (iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant along with the costs of litigation.

3. This case was earlier heard on 11.2.2019 and this Tribunal passed the following orders:-

“1. In the instant case, the applicant pleads that vide order dated 16.11.2017, his pay was fixed at Rs.10,000/- p.m. w.e.f. 09.08.1999 in the pay scale of Rs.6500-10,500. However, when the PPO was issued on 26.03.2018 the last pay drawn was shown as Rs.9,900/- p.m. On this basis, the applicant pleads that his PPO was required to be revised and the respondents were required to submit a copy of the same to the applicant as well as to the disbursing bank.

Learned counsel for respondents no.1 to 3 requests for two weeks time to file the revised PPO. Allowed.

2. Certain recoveries were, however, intended for certain alleged excess payments. These have since been stayed by the Tribunal till further orders.

Respondents no.1 to 3 mentioned that at the time of retirement, the applicant had given an undertaking that any excess payment received by him have to be

refunded. This undertaking was given by the applicant to the bank and, as such, any request in respect of disallowing such recovery of excess amount, is not maintainable.

Respondents shall also submit a copy of the detailed statement of dues and drawn, to indicate the recoveries they intend to make. Two weeks thereafter is granted to the applicant to file rejoinder.

3. Respondent no.4 pleaded that they are only a disbursing agency (Bank) in respect of pension and they pay the same as directed by the respondents.”

4. In compliance of the aforesaid order of this Tribunal, the respondents have filed Misc. Application No.998/2019 in OA 1990/2018 for taking on record the Corrigendum PPO No.CCORENG000372018 dated 24.5.2019 in which they have corrected his basic pay as Rs.11300/- in place of Rs.9900/- which was mentioned in the impugned order dated 26.3.2018 (Annexure A/1) and accordingly revised his PPO accordingly.

5. Since the grievance of the applicant has now been redressed by the respondents by passing the aforesaid Corrigendum PPO, the present OA has become infructuous. The OA is disposed of accordingly. There shall be no order as to costs.

(Nita Chowdhury)
Member (A)

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