

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 2nd day of May Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

OA.310/00633/2019

S. Deenadayalu,
No.46, East Adayavalanjan Street,
Srirangam,
Tiruchirapalli.

...Applicant

(By Advocate: M/s. R. Pandian)

Versus

1. Union of India Rep. by
The General Manager,
Southern Railway,
Park Town,
Chennai- 600 003;
2. The Divisional Personnel Officer,
Southern Railway, DRM Office Complex,
Palghat, Kerala State;
3. The Sr. Divisional Financial Manager,
Southern Railway, DRM Office Complex,
Palghat, Kerala State;
4. The Assistant General Manager,
State Bank of India (CPPC),
No. 112/4, Kaliyamman Koil Street,
Virugambakkam,
Chennai- 600 092.
5. The Branch Manager,
State Bank of India,
Srirangam Branch,
Trichy- 620 006.

...Respondents

(By Advocate: Mr. S. Padmanaban)

ORAL ORDER

[Pronounced by Hon'ble Mr. R. Ramanujam, Member (A)]

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The applicant has filed this OA seeking the following reliefs:-

"to call for all the records relating to retrospective revision and the withdrawal of the benefit of the recommendations of various Central Pay Commissions, as is accepted and implemented by the Government, to the applicant and quash the impugned orders (1) New PPO NO. 1988706050026 dated 25.10.2018; (2)No.P500/PGT/P/10630 dated 20.12.2018 Passed by the Sr. Divisional Financial Manager, Palghat (3rd Respondent). Consequently to direct the Respondent to:-

Restore the basic pension sanctioned and paid by the respondents prior to the issue of the impugned orders that is Rs.2250/- w.e.f. 01.01.1996, Rs.5585/- w.e.f. 01.01.2006 and Rs. 14354/- with effect from 01.01.2016;

Not to deduct any amount from the Pension account of the applicant which is allegedly paid in excess;

Refund the amount deducted from the pension account to the applicant with applicable interest and

Pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. The applicant is aggrieved by Annexure-A/6, A-7 & A-8 impugned orders by which an amount of Rs.1,26,750/- was alleged to have been paid in excess to the applicant and the respondents have proceeded to recover the same from his pension. It is submitted that no prior notice was issued

to the applicant regarding alleged excess payment and he was given no opportunity to show cause why such recovery should not be made.

3. Learned counsel for the applicant alleges that recovery is being made unilaterally and in violation of the law laid down by the Hon'ble Apex Court in the case of State of Punjab & Ors. Vs. Rafiq Masih (White Washer) etc in CA No. 11527 of 2014 [Arising out of SLP(c) No.11684 of 2012] which had been accepted by DOP&T which issued O.M. dated 02.03.2016 to process such cases accordingly. The applicant's case, if at all any excess was paid should have been dealt with in accordance with the procedure as laid down therein. However, there is no evidence that any such procedure had been followed. The applicant made Annexure-A/10 representation dated 12.2.2019 followed by Annexure-A/11 representation dated 05.04.2019 in this regard which remained unanswered.

4. Ms. Satyabama, Learned Standing Counsel takes notice on behalf of the respondents.

5. As it is submitted that the applicant's Annexure-A/10 and A/11 representations dated 12.2.2019 and 05.04.2019 respectively are pending before the competent authority, I am of the view that it is pre-mature for the Tribunal to interfere in the matter. Accordingly, I deem it appropriate to direct the competent authority to consider the said representations in accordance with law and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of the order. No recovery

shall be made from the pension of the applicant in the meantime in pursuance of the impugned orders.

6. OA is disposed of accordingly. No costs.