

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/735/2019**

**Date of Order: 19.08.2019**

Between:

T. Samba Siva Sarma, S/o. late Ramakrishnaiah,  
Aged 77 years, Retired Director (SG), Group 'A' Officer,  
Geological Survey of India,  
R/o. 3-15-G/30/203, Sahara Estates,  
Mansoorabad, GSI Post, Hyderabad – 500 068.

... Applicant

And

1. Union of India,  
Rep. the Pay & Accounts Officer,  
Geological Survey of India,  
Southern Region, Ministry of Mines,  
Bandlaguda Complex, Hyderabad – 500 068.

2. The Pay & Accounts Officer,  
Central Pension Accounting Office,  
Ministry of Finance, Govt. of India,  
Trikoote-II Complex, Bhikaji Cama Place,  
R.K. Puram, New Delhi – 110 066.

3. The Manager,  
Central Pension Processing Centre,  
Representing the Govt. of India,  
UCO Bank, 1<sup>st</sup> Floor, Somalavari Bhavan,  
Mount Road, Extn. Sadar,  
Nagpur – 440 001, Maharashtra State.

4. The Branch Manager,  
UCO Bank, Branch No. 1885,  
GSI, Bandalguda Branch, Hyderabad – 500068  
(the pension disbursing branch on behalf of the GOI)

... Respondents

Counsel for the Applicant      ...      Mr. E. Krishna Swamy

Counsel for the Respondents      ...      Mrs.L. Pranathi Reddy,  
Addl. CGSC

**CORAM:**

***Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

**ORDER**

***{As per B.V. Sudhakar, Member (Admn.) }***

2. The OA is filed against the notice dt. 17.07.2019 issued by the 3<sup>rd</sup> and 4<sup>th</sup> respondents Bank for recovery of over-payment pension of Rs.2,47,200/- paid to the applicant.
3. Brief facts of the case are that the applicant retired from the respondents organization as Director (SG). Applicant was proceeded on disciplinary grounds and a penalty of reduction of pension by 20% for 4 years was imposed. Penalty was set aside by this Tribunal on 10.6.2004. Accordingly, pension was fixed and it was being drawn from UCO Bank, Hyderabad. However, on 17.7.2019, the local branch of UCO Bank has issued notice that a sum of Rs.2,47,200/- was over paid to the applicant from June 2011 to May 2019 towards pension and it is proposed to recover the same.
4. Contentions of the applicant are that the Pay & Accounts Officer fixes pension, which is then forwarded to the Central Pension Accounting Office, New Delhi, which in turn transmits the same to the local Branch of the Bank. Applicant has no role in deciding the banker. Besides, recovery from pension is against the law laid down by the Hon'ble Supreme Court in the State of Punjab Vs. Rafiq Masih case (2015(4) SCC 334). Applicant has cited judgments of the Hon'ble Ernakulam Bench of this Tribunal in OA 970/2015 and 248 of 2016 in support of his contentions.
5. Heard both sides counsel and perused the documents on record.

6. Learned counsel for the applicant has submitted that the OA may be disposed of in view of the law laid down by the Hon'ble Supreme Court in Rafiq Masiah case. However, it would be appropriate for the applicant to make a comprehensive representation stating the facts, rules and the law on the subject, to the 2<sup>nd</sup> respondent, within a period of two weeks from the date of receipt of this order. Thereafter, the 2<sup>nd</sup> respondent shall dispose of the same by issuing a speaking and reasoned order in accordance with law within a period of eight weeks from the date of the representation from the applicant, after taking up with the 3<sup>rd</sup> respondent. Till the disposal of the representation of the applicant, there shall be no recovery from the pension of the applicant.

7. With the above directions, the OA is disposed of at the admission stage. There shall be no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 19<sup>th</sup> day of August, 2019

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