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**CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH
KOLKATA**

O.A.No.350/01285/2015

Date of Order : 07-09-2015

Present : **Hon'ble Mr Justice G. Rajasuria, Judicial Member
Hon'ble Ms Jaya Das Gupta, Administrative Member**

Smt Aloka Bera (Pusthy)

.....Applicants

-Versus-

Union of India & Ors. (S.E.Railway)

.....Respondents

For the applicants : Mr A. Chakraborty, Counsel
For the respondents: None for the respondents.

ORDER (ORAL)

JUSTICE G.RAJASURIA, JM,

Heard Both. This O.A has been filed seeking the following reliefs :

Office order dated 06.03.2015 was issued by Branch Manager, Punjab National Bank, BO Kharagpur, Malancha Road, Post – Nimpura, Kharagpur on the basis of instruction of the Railway authority may be quashed.

2. Learned counsel for the applicant would submit that Bank authority who is responsible for issuing the family pension to the applicant sent a communication dated 06.03.2015 to the applicant which is extracted hereunder for ready reference :

"REG: DEDUCTION OF TDS FROM THE PENSION PAID THROUGH PENSION ACCOUNT NO 028000030222/152 FROM OUR OFFICE
As per our Head Office instruction we have to deduct Rs.102874/- towards TDS account of pension including arrears being paid to you during the financial year 2014- 2015 (Asst. year 2015-2016)
Please call on as any working day for the above along with copy of PAN Card being possessed by you, if any, before 15.03.2015.
Thanking you."

Learned counsel for the applicant would submit that the applicant is not an Income tax assessee and as per the Court orders, she has got the arrears of family pension



to a tune of Rs.8 lakhs. In such a case it is not that in one lump sum she was entitled to that amount, but it represented family pension, concerning various months and such a thing cannot be subjected to TDS. We could see that the communication dated 06.03.2015, was only a notice calling upon the applicant to visit the Bank with a copy of the PAN card.

3. Hence in these circumstances, we are of the view that the applicant is given liberty to make representations to the Railway authority and to the Bank on this issue and her grievance shall be considered by them and reply given to her within a period of 2 months from the date of receipt copy of this order.

O.A is accordingly disposed of. No costs.

(JAYA DAS GUPTA)
ADMINISTRATIVE MEMBER

(G. RAJASURIA)
JUDICIAL MEMBER

Pg