

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/00091/2014

Date of order : 15.2.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

PANCHANANDAS

VS

UNION OF INDIA & ORS.

For the applicant : Mr.T.K.Biswas, counsel

For the respondents: Mr.S.K.Ghosh, counsel

O R D E R (ORAL)

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Heard both the Id. Counsels.

3. The applicant is aggrieved in regard to reduction in pension due to which he has filed this application seeking the following reliefs :

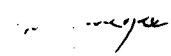
- a) an order directing the respondent authority to grant the pension of the applicant on the basis of the last pay certificate issued by the respondent authority by setting aside the impugned letter dated 13.11.13 as the same is highly illegal and mala fide and it is the principle of natural justice and fair play, within a stipulated period of time;
- b) an order directing the respondents to re-fix the pension and further directing the respondents to pay the commuted value of the pension on the basis of the last pay certificate issued by the respondent authority, within a stipulated period of time.

4. Ld. Counsel for the respondents during the course of hearing would refer to the operative portion of the judgment delivered by the Hon'ble High Court in WPCT 362/13 which would show that the respondents were directed to refund the recovered amount. However, it ^{was} made clear that the authorities would be entitled to re-fix the pay scale on detection of any error even after retirement of the pensioner after giving reasonable opportunity of hearing to the said pensioner as directed by the Ld. Tribunal.

4. Ld. counsel for the respondents submitted that the applicant was given a reasonable hearing and thereafter the pension was affected in compliance to the direction of the Hon'ble High Court.

5. In view of such no order could be passed in this OA directing the respondents to grant pension as per last pay drawn as reduction would be the obvious outcome of refixation of his last pay.

6. The OA is accordingly dismissed. No order is passed as to costs.


(BIDISHA BANERJEE)
MEMBER (J)

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