

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00423/2019

DATED THIS THE 27TH DAY OF SEPTEMBER, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Smt. Gujibai,
W/o late Sakru Deepla Lamani,
Aged about 77 years,
R/o H.No.113, Banjara Colony,
Gokul Road,
Hubli-580 030.

...Applicant

(By Advocate Shri Ravindra Reddy)

Vs.

1. The Government of India,
Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel & Training,
Room No.340. A Wing,
Shastri Bhavan, New Delhi-110 001.

2. The Financial Advisor and Chief Accounts Officer,
PPO Issuing Railway,
South Western Railway,
Hubli, Karnataka
Hubli-580 020.

3. The State Bank of India
Centralised Pension Processing Centre,
2nd Floor, B-Block, No.1,
Avenue Road, Bengaluru-560 024.
Represented by the Assistant General Manager(CPPC).

4. The Chief Manager,
State Bank of India
(Code No.00819)
Post Box No.16, Station Road,
Bijapur-586 101. ...Respondents

(By Standing Counsel Shri J. Bhaskar Reddy for R-2
Shri Thimmanna Bhat for R 3 & 4)

ORDER (ORAL)

HON'BLE DR.K.B.SURESH ...MEMBER(J)

Heard. The matter is in a very short compass. Apparently, the Bank, while going by the instructions of RBI as in Annexure R-2, which we quote:

“RESERVE BANK OF INDIA”

RBI/2015-16/340
DGBA.GAD.No.2960/45.01.001/2015-16

March 17, 2016.

The Chairman/Chief Executive Officer, All Agency Banks

Dear Sir,

Recovery of excess payments made to pensioners

We have been receiving complaints from pensioners stating that the recovery of excess/wrong pension payments are being made in a manner that is not in keeping with the extant guidelines. In this connection, the instructions contained in circular Nos. CO.DGBA (NBS) No.44/GA.64 (11-CVL) 90/91 dated April 18, 1991 and CO.DGB/(NBS) No.50/GA.64 (11-CVL) 90/91 dated May 6, 1991 laying down a uniform procedure in consultation with the Controller General of Accounts and various non-civil Ministries for recovery are reiterated below:

a) As soon as the excess/wrong payment made to a pensioner comes to the notice of the paying branch, the branch should adjust the same against the amount standing to the credit of the pensioner's account to the extent possible including lumpsum arrears payment.

b) If the entire amount of over payment cannot be adjusted from the account, the pensioner may be asked to pay forthwith the balance amount of over payment.

c) In case the pensioner expresses his inability to pay the amount, the same may be adjusted from the future pension payments to be made to the pensioners. For recovering the over-payment made to pensioner from his future pension payment in instalments 1/3rd of net (pension + relief) payable each month may be recovered unless the pensioner concerned given consent in writing to pay a higher instalment amount.

d) If the overpayment cannot be recovered from the pensioner due to his death or discontinuance of pension then action has to be taken as per the letter of undertaking given by the pensioner under the scheme.

e) The pensioner may also be advised about the details of overpayment/wrong payment and mode of its recovery.

The above uniform procedure may be strictly adhered to while effecting recovery of excess/wrong pension payments made to pensioners.

2. As regards the issue of refund of excess/wrong payments to the government, banks may be guided laid down in our Circulars Nos. DGBA.GAD.H-10450/45.03.001/2008-09 dated June 1, 2009 and DGBA.GAD.H-4054/45.03.001/2014-15 dated March 13, 2015 which have been incorporated in our Master Circular on disbursement of government pension by Agency Banks dated July 1, 2015.

Yours faithfully,

(Manish Parashar)
Deputy General Manager.

Was permitted to adjust or recoup the extra amount paid to the pensioner. It is apparently, done so. The only other thing which we would like to add, even though the Bank directly adjusted, it is as per the entrusted Section 60 of CPC.

2. Applicant submits that on the basis of White Washer's Judgment, this amount should be returned to her. White Washer's Judgment binds the Government and not any other entity. Bank is a separate entity, which have financial juncture with the Government. There is no jural nexus between the Government and the Bank and therefore, White Washer's Judgment will not bind the Bank.

3. Since no other element giving credence in the calculation is brought out, we need not go into the credence of any of the amount recovered. However, we will hold, going by the RBI circular as stated under Section 60 of CPC, Bank is empowered to re-adjust the amount due to them. Of course in a humane manner. But then, having no merit, OA is dismissed. No costs

(C.V. SANKAR)
MEMBER(A)

vmr

(DR.K.B.SURESH)
MEMBER(J)

Annexures referred to by the Applicant in O.A. No. 170/0423/2019

Annexure-A1: Copy of Service Certificate
Annexure-A2: Copy of Pension Payment Order.
Annexure-A3: Amount of Family Pension.
Annexure-A4: Disbursement of Family Pension.
Annexure-A5: Revised pension.
Annexure-A6: Bank Pass Book.
Annexure-A7: Letter dated 17.07.2018.
Annexure-A8 Representation dated 19.07.2018.
Annexure-A9: RTI Application.
Annexure-A10: Letter for blocking Family Pension.
Annexure-A11: Recovery order dated 23.04.2018.
Annexure-A12: Official Memorandum dated 02.3.2016.

Annexures with reply statement

Annexure-R1: Letter of Undertaking dated 21.9..2001.
Annexure-R2: RBI circular dated 17.3..2016.
Annexure-R3: Request Letter dated 30.8.2010.
Annexure-R4: Revised pension payment order dated 22.11..2010.
Annexure-R5: Recovery Letter dated 23.4.2018.
Annexure-R6: Revised pension payment order of R-2 dated 31.10..2017.
