

(2020) 10 CAT CK 0031
In the Central Administrative Tribunal
Case No : Original Application No. 1534 Of 2020

Suresh Chand

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 12-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0031

Hon'ble Judges : Pradeep Kumar, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : R. K. Shukla, K. K. Sharma

Final Decision : Allowed

Judgement

Pradeep Kumar, Member (A)

1. The applicant herein was working as Booking Supervisor in the respondents-railway and he retired on 31.12.2016. He was issued a Pension Payment Order (PPO) on 2.1.2017. However, there was some error in his appointment date as shown on this PPO, which was subsequently rectified and a revised PPO was issued on 5.03.2020.

With this change , the total qualifying service increased which amounted to certain additional payment becoming due in respect of gratuity amounting to Rs.74,658/-. However, the respondents also concluded that certain recovery amounting to Rs 1,43,523/- was also due and accordingly Rs. 74,658/- was adjusted and balance payment of Rs. 69,668/- was directed to be recovered in instalments, starting from the pension of the applicant from October, 2020, over next three years.

2. The applicant pleads that no show cause notice was issued by the railways before ordering said recovery.

The applicant also pleads that his qualifying service needs to be counted from the date of screening i.e. 13.06.1988 whereas presently it is counted from the

date of his appointment i.e. 25.10.1989, as shown in revised PPO Dt. 5.3.2020. The applicant pleads that this change will also lead to certain additional payment of gratuity.

3. Feeling aggrieved, the applicant has approached this Tribunal by filing the instant OA.

4. The matter has been heard at admission stage.

5. The recovery of the balance amount of gratuity which was proposed to be recovered from October, 2020, is stayed.

In case the respondents are desirous of making any recovery, they shall issue show cause notice and give time to the applicant to make his submissions. Thereafter, they shall take these submissions into account, if made in time allowed, and pass a reasoned and speaking order before effecting recovery under advice to the applicant.

In case any grievance subsists, the applicant shall be at liberty to approach the Tribunal in accordance with law. No costs.