

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7158 OF 2019

Uttamrao Namdeo Wagh. ...Petitioner.
Versus
Union of India and Others. ..Respondents.

Mr. P. N. Wagh for the Petitioner.
Mr. T. J. Pandian for Respondent No. 1 and 2.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.
Date : **October 22, 2019.**

P. C. :

1. The Petitioner having served with Respondent Nos.1 and 2 for the period of 41 years, retired from service on 30th April 2014. Before retirement, the Petitioner's pension was fixed by Respondent Nos.1 and 2 at Rs.12,310/-. There is no dispute about fixation of the Petitioner's pension. Respondent Nos.1 and 2 accordingly gave direction to Respondent Nos.3 and 4 to disburse to the Petitioner pension at Rs.12,310/- per month. However, Respondent Nos.3 and 4 inadvertently paid an amount of Rs.18,000/- per month to the Petitioner as monthly pension.

2. Admittedly, this is a case of excess payment of pension amount. Respondent Nos.3 and 4 have realised their mistake that the Petitioner has been paid an amount of

Rs.7,46,747/- in excess of his legally due pension. As a result, Respondent Nos.3 and 4 have started recovery of this amount by deducting 1/3rd amount from the pension amount payable to the Petitioner.

3. The order whereby deduction of pension amount was ordered, was challenged by the Petitioner before the Central Administrative Tribunal. The CAT has, however, dismissed the matter on merits. The said application is dismissed by the CAT mainly on the ground that there is a dispute between the Petitioner and the bank, and, as a matter of fact, there is no dispute between the Petitioner and his employer. The fact remains that the Petitioner has received pension amount in excess of his legally due pension.

4. In the above circumstances, we are not inclined to entertain this petition and the same is accordingly dismissed.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]