

Court No. - 1

Case :- WRIT - A No. - 1922 of 2024

Petitioner :- Union Of India Thru. General Manager Northern Railway ,
Baroda House , New Delhi And Others

Respondent :- Central Administrative Tribunal Lko. Bench Lko. And
Another

Counsel for Petitioner :- Akansha Dubey

Counsel for Respondent :- Praveen Kumar

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Brij Raj Singh,J.

2. This writ petition is directed against the judgement/order dated 18.08.2023 passed by the Central Administrative Tribunal, Lucknow in O.A.No.332/00139/2021 whereby the recovery of Rs. 957900/- made from the gratuity and pension of the respondent no.2 has been directed to be refunded to him alongwith simple interest @ 6% from the date of recovery till the date of actual payment.

3. There is no dispute on the point that as per the date of birth recorded in the service record, the respondent no.2 ought to have retired from service as on 30.09.2017 but he was wrongly allowed to continue up to 30.11.2018 with the benefit of salary.

4. The tribunal while adjudicating upon the issue has clearly found that once the respondent no.2 had actually worked and was paid salary, the question of recovery in such an eventuality would not arise at all.

5. This part of the judgement is not assailed by the Union of India. The petitioners-Union of India have confined their grievance as to the payment of pensionary benefits treating the date of retirement of the respondent no.2 as 30.09.2017 and the pay drawn on the said date.

6. To this extent, learned counsel for the respondents does not have any objection, it is rather submitted that the pension papers have been processed treating the date of retirement as 30.09.2017.

7. In view of above, we do not find any fault or error in the judgement impugned here in this writ petition.

8. With the clarification as above, the writ petition is accordingly disposed of and the order passed by the tribunal is affirmed.

9. No order as to cost.

(Brij Raj Singh,J.) (Attau Rahman Masoodi,J.)

Order Date :- 12.3.2024

Shahnaz