

**GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)  
(RAILWAY BOARD)**

No. F(E)III/2009/PN1/8 pt.

New Delhi, dated 28.02.2014.

✓ The General Secretary,  
AIRF,  
4, State Entry Road,  
New Delhi -110055.

Dear Sir,

Sub: Recovery of excess amount paid to pre-1996 retirees.

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I am directed to refer to your letter No.AIRF/44(29) dated 03.02.2014 on the above subject.

2. In this regard it is stated that clarificatory instructions dated 02.02.2010 & 18.03.2010 were issued to all the Zonal Railways for correction of the error committed by some of the Zonal Railways while revising pension/family pension of such of the pre-1996 retirees of the 4<sup>th</sup> CPC scale of pay of Rs.1400-2300 w.e.f. 01.01.1996/01.01.2006. The Zonal Railways were advised that the corresponding scale in 5<sup>th</sup> CPC and Pay Band and Grade Pay in 6<sup>th</sup> CPC to the 4<sup>th</sup> CPC scale of pay of Rs.1400-2300 is Rs.4500-7000 and PB-1 + GP2800 respectively.

3. When the corrective action was taken by Zonal Railways, some of the pensioners' approached different CAT benches praying for restoration of their incorrect pension/family pension and for stoppage of recovery. In almost all the cases, the Hon'ble CAT has upheld the action of the Zonal Railways for correct revision of pension/family pension. On recovery aspect, in few cases, CATs have observed that since there was no misrepresentation on the part of the railway servants, no recovery be made.

4. In three of such cases, the Railway has filed writ petition against the order of the CAT challenging the stoppage of recovery ordered by CATs, which are still pending before High Courts. As such, any decision in regard to recovery or otherwise can only be taken after the judgment in the said cases are pronounced.

Yours faithfully,

*[Signature]*  
for Secretary/Railway Board

Copy to: E(LR)I/branch

To all Gen Secy  
*[Signature]*

No. AIRF/44 (29)

Dated 3.2.2014.

The Secretary (E),  
Railway Board,  
New Delhi,

Dear Sir,

**Sub: Recovery of excess amount paid to pre-1996 retirees.**

A copy of a representation received from All India Retired Railwaymen's Federation, on the subject cited above.

It has been noted from the representation that some of the Zonal Railways, while revising pension/family pension of pre-1996 and pre-2006 retirees w.e.f. 1.1.2006, have inadvertently revised their pension in higher side. Now the Railway Administration is proposing to make recovery of the amount paid excess as pension.

AIRF feels that it would not be fair to make recovery from the meager pension of such employees. Moverover, it is a fault of Railway Administration and not of the retirees.

AIRF would like to invite the attention to a judgement of A.M. Periyannarayanan V/s the Govt. of Tamil Nadu in a Writ Petition No. 45/2004 delivered on 2.4.2009 wherein the Judge has observed that the recovery of excess salary could not be made by re-fixation, because the original fixation was done by the authorities concerned and it was not due to the fault of the petitioners.

On the same analogy it was not the fault of pensioners viz. Retirees. As such, pension already fixed by the Railway Administration may be restored and recovery be stopped immediately.

Thanking you,

DA/As above.

Yours faithfully,

  
(Shiva Gopal Mishra)  
General Secretary.

o/c