

BEFORE THE GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No.34/2024

Smt. Ujwala Shrikant Kalangutkar,
H.No.638, Firanguem Bhat,
Nerul 403114, Bardez-Goa.

... Complainant

V/s

1) The Deputy Director of Accounts,
Pension Section (PA-1),
Porvorim-Goa.

2) The Bank Manager,
Bank of India,
Link Branch,
Panaji-Goa.

3) The Chief Electrical Engineer,
Electricity Department,
Vidyut Bhavan, Panaji-Goa.

... Respondents

INQUIRY REPORT

(25th June, 2024)

The complaint dated 31/01/2024, was received from the Complainant, in respect of the recovery of the excess pension paid to her.

2. On perusing the complaint, the Commission by Order dated 07/02/2024, issue notices to the Respondents No. 1 and 2 and called for their replies.

3. Subsequently, the Respondent No.3 was added as a Party.

4. The Reply was filed on behalf of the Respondent No.1. But no replies were filed by the Respondents No. 2 and 3.

5. The Commission heard Shri Siddesh Kalangutkar, son of the Complainant and also heard Shri Naresh Kankonkar, Assistant Accounts Officer, on behalf of the Respondent No.1.

6. The Commission has gone through the complaint, the reply of the Respondent No.1 and the law on the subject.

...2/-

7. The records indicate that the Complainant is receiving the pension as the widow of her deceased husband Shri Shrikant Pandurang Kalangutkar, who expired on 08/07/2003. She was awarded enhanced family pension from 09/07/2003 for ten years upto 08/07/2013. Erroneously, the Bank of India, Nerul Branch, continued the payment of enhanced family pension to the Complainant up to August 2021, resulting in excess payment of Rs.5,91,632/-.

8. As per the Central Civil Services, Pension Rules, 2021 and Office Memorandum dated 16/05/2018, instructions have been issued for recovery in respect of the excess payment made to the pensioners. It is one of the instructions that the excess paid may be adjusted from the future pension payments in installments of 1/3rd of the net pension payable each month, unless the pensioner agrees to pay a higher installment amount.

9. Attached to the complaint is a letter dated 21/04/2023 of the Complainant, to the present Respondent No.1, to enable the Bank to recover the excess amount paid to her in suitable installments.

10. In the facts of the present case, the Commission recommends that the Respondent No.2 act in accordance with the Office Memorandum No.CPAO/IT&TECH/SCOVA/20/(Vol-I)/2018-2019/26 dated 16/05/2018, and recover the overpayment made to the Complainant from future pension payments in installments of not more than 1/3rd of the net payment made each month, till the full recovery of the excess payment.

11. The Complainant had also approached this Commission that the Bank of India had marked a lien on her FD. During the proceedings, the Respondent No.2 had consented to remove the lien and the Complainant informed the Commission that the lien has been removed.

12. Under Section 18(e) of the Protection of Human Rights Act, 1993, the Commission shall send a copy of the Inquiry Report together with its recommendations to the concerned Government or authority and they shall, within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken, to the Commission.

13. Copy of the Inquiry Report be sent to the Respondent No. 2, calling for their comments, including the action taken or proposed to be taken within a period of 60 days or on or before 26/08/2024, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date : 25/06/2024

Place : Panaji-Goa.

Sd/-
(Desmond D'Costa)
Acting Chairperson/Member
Goa Human Rights Commission

Sd/-
(Pramod V. Kamat)
Member
Goa Human Rights Commission