



**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**O.A. No.60/1114/2018**

**Date of decision: 27.01.2020**

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).  
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A).**

...

Balwinder Singh, aged 62 years, S/o Sh. Bakshish Singh, MCM (Retired) (Group-C), D.M.U. Car Shed, Northern Railway, Jalandhar, resident of House No.97, Moti Bagh GNDU Campus Road, P.O. Ladhewali, Jalandhar-144001.

**...APPLICANT**

**BY: SH. R. K. SHARMA, COUNSEL FOR THE APPLICANT.**

**VERSUS**

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi-110001.
2. Divisional Railway Manager, Northern Railway, Ferozepur-152001.
3. Senior Divisional Personnel Officer, Northern Railway, Ferozepur-152001.

**...RESPONDENTS**

**BY: SH. SANJAY GOYAL, COUNSEL FOR THE RESPONDENTS.**

**ORDER (Oral)**

...

**SANJEEV KAUSHIK, MEMBER (J):-**

1. Present O.A. has been filed by the applicant seeking following relief:-

"8(i) Order No.293-E/64/Elect.6<sup>th</sup> CPC/P1B dated 05.4.2016, (Annexure A-1), passed by Respondent No.3, whereby pay of the applicant has been reduced from Rs.17400/- to Rs.15530/- with retrospective effect and recovery of an



amount of Rs.2,32,437 has been affected from his pensionary benefits, may be quashed.

- (ii). Order No.293-E/Pay Fix./2017/P2 dated 10.4.2018, passed by respondent No.3 (Annexure A-2), whereby representation of the applicant against order dated 05.4.2016 (Annexure A-1) has been rejected, may be quashed.
  - (iii). Order No.293-E/64/Pay Fix/2017/P2 dated 26.07.2018 (Annexure A-3), passed by respondent no.3, whereby the grievance of the applicant regarding illegal recovery etc. has been ignored only on the plea that decision has already been conveyed to the applicant vide order dated 10.04.2018 i.e. A-2, may be quashed.
  - (iv) Direction may be issued to the respondents to restore the pay fixation and consequential benefits granted to the applicant as if the impugned orders were not passed by restoring the pay fixed in 3<sup>rd</sup> MACP w.e.f. 01.9.2008 with further direction to the respondents to refund the amount of Rs.2,32,437/- along with interest @18% per annum from the date of recovery till the actual payment."
2. Today, when matter came up for final hearing, learned counsel for the applicant vehemently argued that the applicant is due for 3<sup>rd</sup> financial upgradation under MACP w.e.f. 14.7.2011 as has been conceded by the respondents in para No.5 of preliminary submissions. Therefore, he submitted that let his case be considered from 14.07.2011 for grant of 3<sup>rd</sup> financial upgradation under MACP and his pay be fixed accordingly and consequently his pension be also re-fixed.
3. He further submitted that recovery of excess amount of Rs.2,32,437/- pursuant to impugned order is bad in law in terms of judgment in the case **State of Punjab & Ors. vs. Rafiq Masih (whitewasher) etc.** 2015 (1) SCT 195, which has been followed by this Court in several cases including the



case of **Pramodh Singh vs. BSNL & Ors.** (O.A. No.060/00163/2016) decided on 28.11.2016.

4. Learned counsel for the respondents submitted that they will reconsider the case of the applicant in terms of statement made in para no.5 of the written statement and will also consider judgments cited by the applicant while calculating recovery.
5. Accordingly, the O.A. stands disposed of in the above terms.  
No costs.

**(NAINI JAYASEELAN)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Date: 27.1.2020.  
Place: Chandigarh.

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