

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00096/2020

Dated Monday the 16th day of March Two Thousand Twenty

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

1. Subbarathanam
2. U.Ramanathan
3. Munuswamy
4. T. Vijayakumar
5. S. Premkumar
6. Raja Sekar
7. Baidyanath Soren
8. P. Eshwaraiah

... Applicants

By Advocate M/s V. Raghavachari

Vs

1. The Union of India
Represented by its Secretary, Ministry of Railways,
Parliament House
New Delhi – 110 001.

2. Deputy Secretary to the Government
Ministry of Personnel, PG & Pensions
Department of Personnel and Training
North Block, New Delhi – 110 001.

3. Deputy Secretary to the Government
Ministry of Finance
Department of Expenditure
New Delhi – 110 001.

4. The General Manager
All India Railway and Production Units
Railway Board
Ministry of Railways, Rail Bhavan
New Delhi – 110 001.

5. The Divisional Railway Manager
Personnel Branch
MAS Division, NGO Annexure
George Town
Chennai – 600 003.

6. The Divisional Personnel Officer
Chennai Division
Southern Railway
NGO Annexure
George Town
Chennai – 600 003.

... Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

Heard. The applicant has filed this OA seeking the following reliefs :

"a. To quash the impugned order dated 24.04.2019 issued by the Divisional Railway Manager of Southern Railways vide Document No. M/P1(E)524/VI/RG/FIXATION/Vol.III as null and void.

b. To declare that the recovery of 'alleged' excess amount 'erroneously' paid to the applicants as impermissible, arbitrary, harsh and iniquitous.

c. To pass such further other orders as this Hon'ble Tribunal deems fit and proper under the circumstances and thereby render justice."

2. It is submitted that the applicants are presently working as Loco Pilots-Mail. The DoPT had issued OM No. F. No. 18/26/2011-Estt (Pay I) dt. 06.02.2014 for recovery of excess payment made to government servants with reference to Chandi Prasad Uniyal judgment of the Hon'ble Apex Court dt. 17.08.2012 which was made applicable to the Railway employees by the Ministry of Railways. Accordingly, the applicants were served with the impugned show cause notice dt. 24.04.2019 for recovery of the excess payment made to them on account of promotion in the pre revised VI Pay Commission. The applicant's were issued with an OM dt. 13.05.2019 for recovery. The applicants made representations on various dates from 06.06.2019 to 11.06.2019 which are still pending for consideration.

3. Learned counsel for the applicants seeks an interim relief of stay on recovering the amount.

4. Learned counsel for the respondents submits that the representations of

the applicants are still pending for consideration and the respondents are ready to consider the representations.

5. In view of the above without going into the substantive merits, we deem it appropriate to direct the competent authority to consider the representations of the applicants dt. 06.06.2019 to 11.06.2019 (Annexure A8) in accordance with law and pass a reasoned and speaking order. In the meantime, the respondents are directed not to make any recovery from the applicants till the disposal of their representations.

6. OA is disposed of. No costs.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

16.03.2020

SKSI