

CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

Original Application No.419 of 2015

Date of Order: This the 13th Day of November, 2019

**HON'BLE JUSTICE L. NARASIMHA REDDY, CHAIRMAN.
HON'BLE MR.N.NEIHSIAL, ADMINISTRATIVE MEMBER.**

Shri Sarat Chandra Kalita
Lower Division Clerk
Office of the Central Administrative Tribunal,
Guwahati Bench, Rajgarh Road,
Guwahati-781005. ...applicant

By Advocate: Mr.M.Chanda

-AND-

1. The Union of India
Represented by Secretary to the
Government of India, Ministry of Personnel
Department of Personnel and Training
New Delhi110001
2. The principal Registrar,
Central Administrative Tribunal
Principal Bench, New Delhi
61/35, Copernicus Marg, New Delhi-110001.
3. The Joint Registrar,
Central Administrative Tribunal
Guwahati Bench, Raajgarh road,
Guwahati-781005
4. The Deputy Registrar,
Central Administrative Tribunal,
Guwahati Bench, Rajgarh Road,
Guwahati-781005
5. Pay And Accounts officer,
Central Administrative Tribunal,
Room No.114,115, 'A' Wing
1st Floor, AGCR Building
I.T.O, New Delhi-110002.

..... Respondents

By Advocate: Mr.S.K.Ghosh, Addl.C.G.S.C

O R D E R (ORAL)

Justice L.Narasimha Reddy, Chairman:

The applicant joined the service of Central Government as Group D. He was also extended the benefit of 1st Assured Career Progression and subsequently 2nd Modified Assured Career Progression as he has completed 20 years of regular service . As such, he was entitled to 2nd financial upgradation. It is stated that when he was actually promoted to the post of Lower Division Clerk on regular basis, he was given additional two increments. However, by the impugned order dated 09.11.2015, in supersession of the previous order dated 01.11.2012 whereby the pay of the applicant has been refixed, it seeks to recover the excess amount from the applicant by stating that the applicant is not entitled for two increments. Accordingly, it was directed to get recovered the amount. This O.A. has been filed by the applicant against the impugned recovery order dated 09.11.2015. The applicant's contention is that neither notice was issued to him nor opportunity was given to him to response to this order of recovery of the amount.

2. The respondents have filed a detailed counter statement and denied the statement made by the applicant for grant of MACP. Accordingly, he has been directed to refund the excess amount.

3. We have heard Sri M.Chanda, learned counsel for the applicant and Mr.S.K.Ghosh, learned Addl.C.G.S.C. for the respondents.

4. Learned counsel for the applicant disputed that the applicant was granted the 1st ACP as well as 2nd MACP. He was granted one increment on promotion(3%).There is no explanation in the impugned order dated 09.11.2015, as to why the applicant is not entitled to 3% promotional increment on his promotion to the post of LDC. Learned counsel for the applicant has taken further plea that during the pendency of the O.A., the Ministry of Finance, Department of Expenditure issued the O.M. under No4-21/2017.IC/E.IIIA dated 29.10.2019 on the subject of drawal of next increments under Rule 10 of Central Civil Services (Revised Pay) Rules 2016 .The applicant requested the authorities to grant him two increments i.e 1st annual increment and 2nd increment due on account of promotion in terms of Government of India, Ministry of

Finance circular dated 13.09.2008. The O.M. dated 13.09.2008 as well as O.M. dated 29.10.2019 issued by the Ministry of Finance, Department of Expenditure seems to cover the case of pay fixation of the applicant.

5. We are of the view that the applicant is required to make a representation addressing the issue on his representation.

(a) We dispose of the O.A. directing the applicant to make a representation annexing the O.M. dated 29.10.2019 and 13.09.2008.

(b) The representation shall be disposed of within a period of 1 month from the date of receipt of this order.

(c) Depending of outcome of consideration, the issue of recovery from the applicant may be decided.

6. No costs.

(N.NEHSIAL)
MEMBER(A)

(L.NARASIMHA REDDY)
CHAIRMAN

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