

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/1131/2019

Hyderabad, this the 27th day of December, 2019



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

T. MalaKondaiah, S/o. Venkatasubbaiah,
Aged about 61 years, Rtd. Se. Technician,
C&W Department, Sik Line, SC Railway,
Vijayawada Division,
R/o. Old Masjidh, Old Rajarajeswaripet,
Vijayawada – 3.

... Applicant

(By Advocate Mr. J.M. Naidu)

Vs.

1. Union of India, Rep. by its General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. The Divisional Railway Manager,
South Central Railway, Vijayawada Division,
D.R.M. Compound, Vijayawada, Krishna District.
3. The Senior Divisional Personnel Officer,
South Central Railway, Vijayawada Division,
D.R.M. Compound, Vijayawada, Krishna District.
4. The Divisional Finance Manager,
South Central Railway, Vijayawada Division,
D.R.M. Compound, Vijayawada, Krishna District.
5. Assistant Divisional Mechanical Engineer,
C & W Department, South Central Railway,
Vijayawada Up-yard,
Vijayawada, Krishna District.

... Respondents

(By Advocates: Mr. Bhim Singh, Advocate
representing Mr. M. Brahma Reddy, SC for Railways)

ORDER (ORAL)
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. OA is filed against the order of recovery of Rs.1,88,168/- and lowering the pay of the applicant from Rs.42,300 to Rs.39,900.



3. Applicant joined the respondents organisation as a Khalasi and rose to the level of Sr. Technician (C&W) with his pay fixed as Rs.42,300/- in level 6 of 7th CPC and accordingly, paid up to March 2019. However, when the applicant retired from service, the last pay drawn was shown as Rs.39,900 and a sum of Rs.1,88,168 was withheld from the settlement dues on 22.4.2019. Aggrieved, OA has been filed.

4. The contentions of the applicant are that the pay of the applicant has been revised without issuing notice. Action of the respondents contravenes the judgment of the Hon'ble Apex Court in Rafi Masih Case. Representation of the applicant dated 31.10.2019 has not been disposed.

5. Heard both the counsel and perused the pleadings on record.

6. The grievance of the applicant is that his pay has been reduced from Rs.42,300 to Rs.39,900 and an amount of Rs.1,88,168/- was withheld from the settlement benefits due to the applicant on the eve of his retirement. Applicant alleges that no notice was given while reducing the pay and withholding Rs.1,88,168. Besides, the law laid down in Rafiq Masih case in regard to recoveries from Group C and Group D employees has been brazenly violated. Applicant represented on 31.10.2019, but the same is yet to be disposed.

7. In view of the aforesaid circumstances, respondents are directed to dispose of the representation of the applicant keeping in view the law laid down by the Hon'ble Apex Court in Rafiq Masih case and in consonance with the Principles of Natural Justice as well as the extant rules prevailing in the respondents organisation, within a period of 8 weeks from the date of receipt of this order.



With the above direction, the OA is disposed of at the admission stage itself, without going into the merits. No order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

/evr/